

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

| | | |
|----------------------------|---|------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Criminal Action |
| |) | No. 13-10200-GAO |
| |) | |
| DZHOKHAR A. TSARNAEV, also |) | |
| known as Jahar Tsarni, |) | |
| |) | |
| Defendant. |) | |
| |) | |

BEFORE THE HONORABLE GEORGE A. O'TOOLE, JR.
UNITED STATES DISTRICT JUDGE

JURY TRIAL - DAY FIFTY-TWO

John J. Moakley United States Courthouse
Courtroom No. 9
One Courthouse Way
Boston, Massachusetts 02210
Wednesday, April 29, 2015
10:20 a.m.

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Cheryl Dahlstrom, RMR, CRR
Official Court Reporters
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Mechanical Steno - Computer-Aided Transcript

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On Behalf of the Defendant

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3501-20

Photograph

7

3343

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3204A

Intelligence report

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3063A

Translation of 3063

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Photograph

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P R O C E E D I N G S

THE CLERK: All rise for the Court and the jury.

(The Court and jury enter the courtroom at 10:20 a.m.)

THE CLERK: Be seated.

THE COURT: Good morning, jurors.

THE JURORS: Good morning.

THE COURT: Once again, I thank you for your patience. We were working out some issues so we didn't have to interrupt and do them at the sidebar here.

So we're ready to continue with the examination of Mr. Lipson.

MS. CONRAD: Yes.

SAM LIPSON, resumed

CONTINUED DIRECT EXAMINATION

BY MS. CONRAD:

Q. Good morning, Mr. Lipson.

A. Good morning.

Q. Mr. Lipson, yesterday in testimony you mentioned that one of the daughters got married in Almaty. Can you tell us where Almaty is?

A. In Kazakhstan.

Q. And I also just want to show you just a couple of photographs.

MS. CONRAD: If I could just have the podium laptop connected up just for the witness. This is Exhibit 3501-20.

1 Q. Do you recognize that photograph? I mean, do you
2 recognize what's depicted in that photograph?

3 A. Yes, I do.

4 Q. And who do you see in that photograph?

5 A. I see Jahar and Tamerlan.

6 MS. CONRAD: I'd offer this exhibit.

7 MS. PELLEGRINI: Objection, your Honor. The
8 government received no notice of this photograph with this
9 witness.

10 MS. CONRAD: It was actually -- well, with this
11 witness, it was indeed provided.

12 THE COURT: I'll allow it.

13 MS. CONRAD: Thank you.

14 THE COURT: What's the number again?

15 MS. CONRAD: 3501-20.

16 (Defense Exhibit No. 3501-20 received into evidence.)

17 BY MS. CONRAD:

18 Q. And can you tell us who you see in this photograph?

19 A. Yes, I see Jahar and Tamerlan Tsarnaev.

20 Q. And who is who?

21 A. Jahar is on the left; Tamerlan on the right.

22 Q. And can you tell us from this photograph where that
23 photograph appears to have been taken?

24 A. Yeah, that bench is very familiar. It's one of the
25 benches outside the front of my mother's building.

1 Q. That's the building at 410 Norfolk in Cambridge?

2 A. That's right.

3 Q. And can you tell from this photograph about how old Jahar
4 was at that time?

5 A. He looks about nine to me.

6 Q. Do you know what the age difference was between Jahar and
7 Tamerlan?

8 A. Only approximately six years, something like that.

9 Q. But Tamerlan looks a bit older than --

10 A. Yes.

11 MS. PELLEGRINI: Objection, your Honor.

12 THE COURT: Yeah, sustained to that.

13 MS. CONRAD: Well, that's what -- well, strike that.

14 BY MS. CONRAD:

15 Q. That's what they looked like around the time you knew them
16 living on Norfolk?

17 A. Yes.

18 Q. Including their relative size?

19 A. Yes.

20 Q. And I would like to show you Exhibit 3433.

21 MS. CONRAD: Again, just for the witness.

22 Q. And do you recognize anyone in that picture?

23 A. Yes.

24 Q. And who do you recognize?

25 A. I recognize Bella, Ailina, Zubeida, Jahar, and that's my

1 mother, Joanna, as well.

2 MS. CONRAD: I would offer this exhibit as well, your
3 Honor.

4 MS. PELLEGRINI: No objection.

5 THE COURT: All right.

6 (Defense Exhibit No. 3343 received into evidence.)

7 BY MS. CONRAD:

8 Q. So if you could just start from the left and tell us who
9 the little boy in the left-hand corner of that photograph is.

10 A. That's Jahar.

11 Q. And who is that immediately to his left holding the wine
12 glass, seated?

13 A. Zubeida.

14 Q. And is that what she looked like in the early years at 410
15 Norfolk?

16 A. Yes. She's a little dressed up here. A special occasion,
17 I guess.

18 Q. And she appears to be drinking wine?

19 A. Uh-huh.

20 Q. And who is that behind her holding a wineglass as well?

21 A. That's Bella.

22 Q. And can you put your finger on Bella for us, please?

23 Actually, let me clear this first. Let's try this again.

24 And who is that seated to the left of Zubeida and in front
25 of Bella?

1 A. That's Joanna. That's my mother.

2 Q. And who is that sort of reclining on the back of the
3 couch?

4 A. Ailina.

5 Q. Can you just put your finger on Ailina so we can see that?

6 A. (Witness complies.)

7 Q. And is that what they looked like -- maybe I already asked
8 this. Is that what they looked like during the early years at
9 410 Norfolk?

10 A. Yes, it's familiar.

11 MS. CONRAD: I have nothing further of this witness at
12 this time.

13 CROSS-EXAMINATION

14 BY MS. PELLEGRINI:

15 Q. Good morning, Mr. Lipson.

16 A. Good morning.

17 Q. Mr. Lipson, perhaps I missed it yesterday. You work in
18 Cambridge. Is that right?

19 A. I do.

20 Q. And 410 Norfolk Street is where your mother's building is
21 located, correct, her apartment?

22 A. That's right.

23 Q. And she lives on the lower floor. Do I understand that
24 correctly?

25 A. Uh-huh.

1 Q. You have to say "yes" or "no."

2 A. Yes.

3 Q. All right. And, Mr. Lipson, let me see if I've got this
4 right: So you met the Tsarnaev family around 2002?

5 A. That's about right, yeah.

6 Q. Okay. And at the time that you met Dzhokhar Tsarnaev, the
7 defendant, when was that?

8 A. It was a little after I met his parents. He didn't come
9 with them initially. Within a year, I believe, of having met
10 them.

11 Q. So would it be fair to say about approximately a decade or
12 so that you've known who they are?

13 A. Yeah.

14 Q. All right. And during that time, wouldn't it be fair to
15 say that the number of times that you saw Dzhokhar Tsarnaev and
16 Tamerlan Tsarnaev would be about ten?

17 A. Yeah, in that order. In that magnitude in general.

18 Q. In general?

19 A. Much more so in the first few years.

20 Q. So when they were both younger, correct?

21 A. Yeah.

22 Q. All right. Now, yesterday when Ms. Conrad asked you to
23 describe Tamerlan Tsarnaev, you said that when you first met
24 him, he was more mature. Can I ask you: More mature than
25 what?

1 A. Well, at the time, we were discussing both brothers, and
2 so I was describing -- I think they had asked me about
3 Dzhokhar's demeanor and appearance, so that was just in
4 contrast. It's pretty self-evident, since he is much older.

5 Q. I was going to say, he's much older. You would expect him
6 to be more mature, correct?

7 A. Yes.

8 Q. And, in fact, when it comes to personalities, you
9 described Anzor and Zubeidat as having different personalities,
10 correct?

11 A. Yes.

12 Q. Anzor was kind of gruff?

13 A. Few words. Gruff? No, I would say he was quiet.

14 Q. Quiet. All right. And Zubeidat was more talkative?

15 A. Yes.

16 Q. All right. Two different personalities?

17 A. Yes.

18 Q. Both in the same family?

19 A. Yes.

20 Q. All right. And you indicated that your relationship with
21 the members of the family, if I'm correct, sort of went in a
22 progression of your contact with them; that is, you had more
23 contact with Anzor over the course of the decade. Is that
24 correct?

25 A. That is correct.

1 Q. And you had less contact with Zubeidat, correct?

2 A. Yes.

3 Q. And with respect to both of the parents, you didn't have
4 the kind of relationship that you could ask them personal
5 questions, did you?

6 A. I believe I could have asked them personal questions.

7 Q. But you didn't?

8 A. I didn't.

9 Q. And so you don't have any information about personal
10 problems?

11 A. Well, as I had discussed yesterday, Anzor's health was a
12 topic that I did discuss with him in brief.

13 Q. So over the course of ten years, his -- if I understand
14 you correctly, his demeanor changed, correct?

15 A. Yes.

16 Q. And his health changed, correct?

17 A. It appeared to.

18 Q. And so do you know anybody who doesn't change over the
19 course of ten years?

20 MS. CONRAD: Objection, your Honor.

21 THE COURT: Sustained.

22 BY MS. PELLEGRINI:

23 Q. And you also indicated that Zubeidat changed, correct?

24 A. Correct.

25 Q. All right. And with respect to wearing a head scarf --

1 now, you've seen other women who practice in that faith who
2 wear head scarves, correct?

3 A. Yes.

4 Q. And do you know that, in fact, it's worn as a sign of
5 modesty and privacy?

6 A. It can be.

7 Q. It can be.

8 And with respect to Tamerlan and Dzhokhar, as you sit here
9 today, you can't tell this jury anything, can you, about their
10 relationship?

11 A. With who?

12 Q. With each other.

13 A. I don't think I could.

14 Q. And, in fact, with respect to those photographs that
15 Ms. Conrad just showed you, did you select those photographs?
16 Are those from your personal collection?

17 A. No.

18 Q. Who selected those for you?

19 A. Who selected the photographs?

20 Q. Yes.

21 A. Nobody selected them. They were shown to me.

22 Q. Had you seen them before today?

23 A. One of them I think I did see, as a matter of fact.

24 Q. Do you know if that was the Christmas one?

25 A. Yes.

1 Q. Because that's the one your mom's in?

2 A. Yes.

3 Q. Okay. And with respect to Dzhokhar Tsarnaev, the
4 defendant, you indicated to Ms. Conrad -- you described him at
5 a time when he was eight or -- yesterday, and today when you
6 thought maybe nine in a photograph, correct?

7 A. Yes.

8 Q. But as you sit here today, again, there's nothing you can
9 tell this jury about the person that Dzhokhar Tsarnaev is
10 today, is there?

11 A. Is today? I can only base it on my interactions with him
12 when I did first meet him and in those -- especially those
13 couple of years after.

14 Q. All right. So about eight to ten?

15 A. Eight to ten, eight to twelve, yeah.

16 Q. But you didn't, for example, know what he was like when he
17 went to high school?

18 A. No, I didn't interact much at all.

19 Q. And you didn't know what he was like when he went to
20 college?

21 A. Nope.

22 Q. So you didn't know that he was a drug dealer when he was
23 in college?

24 MS. CONRAD: Objection, your Honor. May we be heard?

25 THE COURT: No, you may answer that.

1 THE WITNESS: No, I didn't.

2 MS. PELLEGRINI: Thank you. I have no further
3 questions.

4 MS. CONRAD: May I have a moment, please?

5 (Counsel confer off the record.)

6 BY MS. CONRAD:

7 Q. Mr. Lipson, first of all, you saw Jahar after he turned
8 12, right?

9 A. Sure.

10 Q. And you saw him around your mother's building?

11 A. Uh-huh.

12 Q. And Ms. Pellegrini asked you -- you don't have any
13 information about the family's personal problems, but, in fact,
14 you do have information about their personal problems?

15 MS. PELLEGRINI: Objection, your Honor. That's
16 actually not the question the government asked.

17 THE COURT: The objection is sustained.

18 BY MS. CONRAD:

19 Q. You didn't ask them about their personal problems, right?

20 A. As I had said earlier, in talking with Anzor, I did
21 discuss his health from time to time, especially if he appeared
22 uncomfortable. And with Zubeida, there were more general
23 discussions of difficulty finding work. And in the case of
24 that alternate housing, they had trouble finding a place that
25 was a good fit. So I did have that kind of discussion, yeah.

1 Q. And you also had -- just yes or no -- had another source
2 of information about --

3 MS. PELLEGRINI: Objection.

4 BY MS. CONRAD:

5 Q. -- family problems?

6 THE COURT: Sustained.

7 MS. CONRAD: Nothing further.

8 Can we be heard briefly?

9 THE COURT: No, that's enough.

10 Thank you, Mr. Lipson. You may step down.

11 (The witness is excused.)

12 MS. CONRAD: The defense calls Sonya Petri, or
13 re-calls Sonya Petri.

14 THE COURT: Let me see you on a few matters that were
15 suspended.

16 (Discussion at sidebar and out of the hearing of the
17 public:)

18 THE COURT: So with respect to the Zubeidat response
19 texts, I want you to skip that for now. I haven't made up my
20 mind about it. So we can come back to that. Ms. Petri can
21 come back. I wanted to let you know my ruling about that.

22 MS. CONRAD: And we've worked out the redactions.

23 THE COURT: You have the redactions also? Okay.
24 Fine.

25 (In open court:)

1 THE COURT: To the extent it's necessary, you remain
2 under oath from your prior hearings.

3 THE WITNESS: Thank you.

4 MS. CONRAD: Welcome back.

5 THE WITNESS: Thank you.

6 SONYA PETRI, resumed

7 DIRECT EXAMINATION

8 BY MS. CONRAD:

9 Q. Ms. Petri, I'm going to ask you --

10 MS. CONRAD: And this is just for the witness at this
11 point. Well, maybe I can just offer it because I think the
12 Court has already ruled on Exhibit 3203A.

13 THE COURT: Yes, if it's as we discussed, then yes, it
14 can be offered.

15 MS. CONRAD: So if we could have that published to the
16 jury, please.

17 BY MS. CONRAD:

18 Q. And, Ms. Petri, do you see that document on your screen?

19 A. I do.

20 MS. CONRAD: Excuse me one second.

21 (Counsel confer off the record.)

22 BY MS. CONRAD:

23 Q. Can you tell us what that document is?

24 A. It is a Homeland Security Committee report.

25 Q. From where?

1 A. From the U.S. House of Representatives.

2 Q. And what's the date on that?

3 A. March 2014.

4 Q. Would you just pull the microphone a little bit closer?

5 A. Closer?

6 Q. Let's try that one more time.

7 And what is this document?

8 A. It's a Homeland Security Committee report from the U.S.
9 House of Representatives dated March 2014.

10 Q. And what is the title?

11 A. "The Road to Boston: Counterterrorism Challenges and
12 Lessons from the Marathon Bombings."

13 Q. And would you please turn -- no, I'm sorry.

14 MS. CONRAD: Ms. Sarr, can you publish the
15 second -- well, it's actually page 11, but the second page of
16 the excerpt that we have.

17 And can you -- I'm going to enlarge this for you, I
18 think. There you go.

19 Q. And can you read what you see on your screen?

20 A. Yes.

21 Q. At least the first paragraph.

22 A. With the heading "(U) 2011 Assessment of Tamerlan
23 Tsarnaev." And then the letter "(U) In 2011, the FBI received
24 a letter from the Russian Federal Security Service (FSB)
25 regarding Tamerlan Tsarnaev."

1 Q. Okay. Now, I'm going to ask you to push the microphone
2 away a little bit. All right.

3 A. Start again?

4 Q. No, that is fine.

5 A. "In the letter, the Russian government expressed concern
6 that he had become radicalized and that he might return to
7 Russia and join extremist groups there. While lacking
8 compelling derogatory information on exactly why he posed a
9 threat, the letter contained detailed biographic information on
10 Tamerlan Tsarnaev and his mother, including physical addresses,
11 marital status, online social media profiles, and discussed his
12 history as a boxer. The letter also noted that he had
13 previously hoped to travel to the Palestinian territories to
14 wage jihad, but decided not to go because he did not speak
15 Arabic. The letter requested that the FBI notify the Russian
16 government if Tamerlan Tsarnaev attempted to travel to Russia,
17 which may indicate they were concerned about possible ties to
18 militants in the Caucasus."

19 Q. Please continue.

20 A. "(U) In response to this letter, the FBI Joint Terrorism
21 Task Force (JTTF) in Boston initiated an assessment to
22 determine if Tamerlan Tsarnaev did indeed pose a terrorist
23 threat. Such threat assessments are outlined in the Attorney
24 General Guidelines for Domestic FBI Operations."

25 Q. All right.

1 MS. CONRAD: And, Ms. Sarr, if we could have the next
2 page, please.

3 Q. Please continue.

4 A. "Along with preliminary investigations and investigations.
5 Each of these are respective categories of investigative
6 activity increases in scope, with assessments being the least
7 intrusive. In the course of their inquiry, the Boston JTTF
8 checked U.S. government databases and other information to look
9 for such things as derogatory telephone communications,
10 possible use of online sites associated with the promotion of
11 radical activity, associations with other persons of interest,
12 travel history and plans, and education history. No links to
13 terrorism were uncovered in these record checks and
14 investigation of Tamerlan Tsarnaev's background.

15 "The investigators then interviewed his parents and
16 Tamerlan Tsarnaev himself. The FBI did not find any evidence
17 of terrorist activity, and this information was provided to the
18 Russian government in the summer of 2011."

19 Q. And please continue on to the next page.

20 A. "(U) After the FBI's assessment of Tamerlan Tsarnaev found
21 no links to terrorism, the Boston JTTF officially closed their
22 assessment on June 24, 2011. In the summer of 2011, the FBI
23 notified the Russian government that they had reviewed Tamerlan
24 Tsarnaev and identified no links to terrorism. The FBI also
25 requested that the Russian government provide 'more specific or

1 additional information' that would indicate why Tamerlan
2 Tsarnaev posed a threat. Federal officials have stated that
3 the Russian government did not reply."

4 Q. Okay. And I think that's it for that document.

5 MS. CONRAD: If we could go on to Exhibit 3204A,
6 please. And I believe this is being published to the jury? Can
7 this be admitted, please?

8 THE COURT: Yes.

9 (Defense Exhibit No. 3204A received into evidence.)

10 BY MS. CONRAD:

11 Q. So, Ms. Petri, can you tell us what 3204A is?

12 A. Yes, it's an Unclassified Summary of Information Handling
13 and Sharing Prior to the April 15th, 2013, Boston Marathon
14 Bombings, which was prepared by the Inspectors General of the
15 Intelligence Community and Central Intelligence Agency.

16 Q. And what's the date on that?

17 A. April 10, 2014.

18 Q. And turning to the first page, please, starting under the
19 portion that says "Introduction." Do you see that?

20 A. Yes, I do.

21 Q. And then the next paragraph that you see on your screen,
22 if I can just enlarge that for you and ask you to read that.

23 A. Okay. "A decade earlier, Tamerlan and Dzhokhar Tsarnaev
24 immigrated to the United States from Kyrgyzstan with their
25 parents, Anzor Tsarnaev and Zubeidat Tsarnaev" -- "Tsarnaeva.

1 Anzor Tsarnaev, an ethnic Chechen, and his wife, Zubeidat
2 Tsarnaeva, and their son Dzhokhar Tsarnaev, arrived in the
3 United States from Kyrgyzstan in 2002. They applied for and
4 received an immigration benefit. The elder son, Tamerlan
5 Tsarnaev, and his sisters, Bella and Ailina Tsarnaeva, arrived
6 in the United States in 2003 and also received an immigration
7 benefit. In the years that followed, all six family members
8 became Lawful Permanent Residents of the United States."

9 Q. And let's go to the next paragraph.

10 A. "Two years before the Boston Marathon bombings, Tamerlan
11 Tsarnaev and Zubeidat Tsarnaeva came to the attention of the
12 Federal Bureau of Investigation (FBI) based on information
13 received from the Russian Federal Security Service (FSB). In
14 March 2011, the FBI received information from the FSB alleging
15 that Tamerlan Tsarnaev and Zubeidat Tsarnaeva were adherents of
16 radical Islam and that Tamerlan Tsarnaev was preparing to
17 travel to Russia to join unspecified underground groups in
18 Dagestan and Chechnya. The FBI-led Joint Terrorism Task Force
19 in Boston (Boston JTTF) conducted an assessment of Tamerlan
20 Tsarnaev to determine whether he posed a threat to national
21 security, and closed the assessment three months later having
22 found no link or 'nexus' to terrorism."

23 Q. And going to the last paragraph on page 1?

24 A. "In September 2011, the FSB provided the Central
25 Intelligence Agency (CIA) information on Tamerlan Tsarnaev that

1 was substantively identical to the information the FSB had
2 provided to the FBI in March 2011. In October 2011, the CIA
3 provided information obtained from the FSB to the the [sic]
4 National Counterterrorism Center (NCTC) for watchlisting
5 purposes, and to the FBI, Department of Homeland Security
6 (DHS), and the Department of State for their information. Upon
7 NCTC's receipt of the information, Tamerlan Tsarnaev was added
8 to the terrorist watchlist."

9 Q. And if we can go to the next page of this excerpt, I think
10 it would just be the first paragraph on that page.

11 A. Okay. "Three months later, Tamerlan Tsarnaev traveled to
12 Russia, as the lead information stated he was preparing to do.
13 However, Tsarnaev's travel to Russia did not prompt additional
14 investigative steps to determine whether he posed a threat to
15 national security."

16 Q. And if we can go to the next page of the excerpt, which
17 is, I believe, page 7 of the actual document.

18 Before I do that -- I don't know -- did we say who
19 prepared this document? Did I ask you that?

20 A. I believe we did.

21 Q. Okay. We did or did not?

22 A. We did.

23 Q. Okay. Thank you.

24 So starting with Paragraph IV, roman numeral IV,
25 "Chronology of Events." Let's see if we could do two

1 paragraphs at once.

2 A. "Chronology of Events. In this section, we summarize the
3 chronology of events relating to the U.S. government's
4 knowledge of and interactions with Tamerlan Tsarnaev, members
5 of his family, and other associates before the bombings. Many
6 of the activities and events that occurred during the period
7 discussed below cannot be included in this unclassified
8 summary.

9 Q. Let me stop you there because I think the next paragraph
10 is similar to one you already read.

11 A. Okay.

12 Q. Please read that last paragraph on the page.

13 A. With the heading "Receipt of Information" --

14 Q. Yes.

15 A. -- "from the Russian Government"?

16 "In 2011, two years before the Boston Marathon bombings,
17 Tamerlan Tsarnaev and Zubeidat Tsarnaeva came to the attention
18 of the FBI based on information received from the FSB. In
19 March 2011, the FBI Legal Attaché," with the acronym LEGAT, "in
20 Moscow received a memorandum in Russian from the FSB regarding
21 Tamerlan Tsarnaev and Zubeidat Tsarnaeva. According to the
22 English translation used by the FBI, the memorandum alleged
23 that both were adherents of radical Islam, and that Tamerlan
24 Tsarnaev was preparing" --

25 Q. Can we go to the next page, please, which I believe is

1 page 8 of the document. "Was preparing" was the last thing.

2 A. -- "was preparing," next page, "to travel to Russia to
3 join unspecified 'bandit underground groups' in Dagestan and
4 Chechnya and had considered changing his last name to
5 'Tsarni,'" T-S-A-R-N-I. "The Russian authorities provided
6 personal information about both Tamerlan Tsarnaev and Zubeidat
7 Tsarnaeva, including their telephone numbers and email
8 addresses, and requested that the FBI provide the FSB with
9 specific information about them, including possible travel by
10 Tsarnaev to Russia."

11 Q. And the next paragraph, including the heading, please?

12 A. The heading is "Opening and Conduct of the FBI's
13 Assessment."

14 "The Boston JTTF subsequently conducted an assessment of
15 Tamerlan Tsarnaev to determine whether he posed a threat to
16 national security. The FBI Special Agent (CT Agent) who
17 handled the assessment memorialized the steps he took in the
18 assessment in an incident report maintained in the FBI's
19 Guardian," capitalized, "system, which is the FBI's threat
20 tracking and management system for counterterrorism
21 assessments.

22 "The CT Agent conducted database searches, reviewed
23 references to Tsarnaev and his family in closed FBI
24 counterterrorism cases, performed 'drive-bys' of Tsarnaev's
25 residence, made an on-site visit to his former college, and

1 interviewed Tsarnaev and his parents."

2 Q. Thank you. That's it for that document.

3 MS. CONRAD: And if we could move on, please, to
4 3202A.

5 And this is just for the witness, please?

6 Q. And, Ms. Petri, do you recognize what this document is?

7 A. I do.

8 Q. What is it?

9 A. It is an FBI 302.

10 Q. And can you tell us who was -- whose interview is
11 summarized in this report?

12 A. The interview of Magomed Kartashov, spelling is, first
13 name, M-A-G-O-M-E-D, last name spelling K-A-R-T-A-S-H-O-V.

14 Q. Can you tell us where that took place? And you should
15 probably spell some of this, too.

16 A. Okay. It took place in Moscow at the FSB administrative
17 building in Dagestan.

18 Q. I'm sorry. It says at approximately 1600 hours Moscow
19 time, but can you please read the address where it took place?

20 A. Yes. FSB Administrative Building, 7 Rasul Gamatov Street.
21 Rasul is R-A-S-U-L, G-A-M-V-A-T-O-V.

22 Q. And in what city?

23 A. In Makhachkala.

24 Q. Makhachkala?

25 A. Thank you, yes.

1 Q. And can you spell that, please?

2 A. Yes. M-A-K-H-A-C-H-K-A-L-A.

3 Q. And where is that located?

4 A. In Dagestan, Russia.

5 Q. Can you spell "Dagestan," please?

6 A. Sure. D-A-G-E-S-T-A-N.

7 Q. Can you tell by looking at this report on what date this
8 interview was conducted and who conducted it?

9 A. It was conducted June 5th, 2013, by Minnich,
10 M-I-N-N-I-C-H, and Brissey, B-R-I-S-S-E-Y.

11 Q. And this is a 302, the official FBI form that we've seen
12 before?

13 MR. WEINREB: Objection, your Honor. I don't think we
14 should be having questions and answers with the witness
15 about -- she's here to read.

16 THE COURT: No, I agree with that. I think it has
17 been identified as an FBI 302.

18 BY MS. CONRAD:

19 Q. So I'm going to ask you to read this paragraph, please.

20 A. Okay. "Tamerlan Tsarnaev (Tamerlan) was his relative on
21 his mother's side. Tamerlan's mother is Kartashov's second
22 cousin. In Dagestan, the difference between second and third
23 cousins doesn't really matter. Kartashov grew up living with
24 his grandmother in the village of Yasnaya Polyana in the
25 Kizlyar region. He lived across the street from Zubeidat

1 Tsarnaeva's grandmother. The last time he saw Tamerlan before
2 2012 was when Tamerlan was approximately ten years old and
3 Dzhokhar Tsarnaev (Dzhokhar) was approximately three or four.

4 "After that time, the Tsarnaev family emigrated to the
5 U.S. Kartashov claimed that he had no communication with them
6 until Tamerlan came to Russia saying, 'I never called them and
7 they never called me.'"

8 THE COURT: Let me just interrupt to remind the jury
9 this is an FBI 302 report. This is a record of what the person
10 interviewed said to the FBI. These aren't findings, but
11 they're a record of what was said.

12 BY MS. CONRAD:

13 Q. And I just -- I think I skipped over something. Can you
14 just read the second sentence in that paragraph, please?

15 A. Starting, "He stated"?

16 Q. Yes.

17 A. "He stated that it was his 40th day in jail."

18 Q. And "he" refers to?

19 A. Kartashov.

20 Q. Let's go down to the bottom, second-to-last -- or the last
21 full paragraph on the page.

22 A. "Kartashov learned about Tamerlan's being in Russia about
23 two months after Tamerlan arrived. Kartashov heard from his
24 relatives that Tamerlan had been in Dagestan since January
25 2012. He learned Tamerlan's phone number from a relative that

1 said Tamerlan had come from America."

2 Q. And the next paragraph?

3 A. "Kartashov first saw Tamerlan when he visited his uncle,
4 grandmother and aunt in Kizlyar."

5 Q. Can you spell "Kizlyar," please?

6 A. Yes. K-I-Z-L-Y-A-R.

7 "He and Kartashov got together at the same time. Tamerlan
8 came to Kizlyar in a car with Rizvan Mamakaev" -- Mamakaev --
9 spelled R-I-Z-V-A-N, M-A-M-A-K-A-E-V. "When he first saw
10 Tamerlan, they hugged. Kartashov did not recognize him."

11 Q. Next page, please? Well, I'm sorry. The last two words
12 on that were?

13 A. "Last time."

14 Q. And continuing on to the next page?

15 A. "He had seen Tamerlan he was about ten, and now he was a
16 'big guy.' He and Rizvan may have shown up around 1700 or 1800
17 hours and stayed over at the Kartashov's house. The next day
18 Tamerlan visited his other relatives."

19 "Kartashov's brother invited them all over for dinner,
20 during which time they had a conversation. Tamerlan asked
21 Kartashov if he was making videos about Islam. Tamerlan then
22 asked Kartashov if he had any radical connections to Islam or
23 contacts with the people in the forest. Kartashov told
24 Tamerlan that he did not have radical connections to Islam.
25 Kartashov believes Tamerlan may have asked the same questions

1 of other people."

2 Q. Reading the next paragraph, please?

3 A. "Tamerlan was under the impression that there was jihad in
4 the streets. Tamerlan's expectations of how it was going to be
5 when he came to Dagestan came from the Internet that came
6 from" -- excuse me, "Internet sites like Kavkaz Center."

7 Q. Spell that, please?

8 A. K-A-V-K-A-Z, Center, common spelling.

9 "Tamerlan came to Russia with the intention to fight jihad
10 in the forest. Kartashov told him to stop talking like that,
11 saying, 'I told him to stop or you won't make it to the next
12 tree.' Tamerlan was convinced of his way, and Kartashov was
13 convinced of his way. Kartashov accused Tamerlan of preaching
14 radical Islam, and they started an argument about Islam.
15 Kartashov started asking questions to see how well Tamerlan
16 knew Islam. They talked about praying five times a day, how to
17 do namaz, or Islamic prayer."

18 Q. Spell "namaz," please.

19 A. Yes. N, as in "Nancy," A-M, as in "Monday," A-Z.

20 "Tamerlan stated that he just did namaz the way he was
21 taught. Kartashov asked Tamerlan what he knew about jihad.
22 Kartashov then explained to Tamerlan how jihad could be the
23 attack type, defending, state, et cetera. Tamerlan told
24 Kartashov that he did not know the nuances of jihad. Tamerlan
25 said he did not really need to know about the different forms

1 of jihad. Tamerlan told Kartashov, 'I came here to get
2 involved in jihad.'

3 "Tamerlan told Kartashov that he could not argue with
4 Kartashov and that he was not on the same level as Kartashov.
5 Tamerlan claimed that he could not deny what Kartashov was
6 saying because he had good arguments.

7 "To give an example of what he and Tamerlan talked about,
8 Kartashov told Tamerlan that even when Muhammad was beaten, he
9 talked about patience and not answering aggressively. After
10 that discussion, Tamerlan kind of closed up, and there were no
11 more discussions of jihad. Tamerlan stayed at Kartashov's
12 house and Risvan left."

13 Q. And continuing to the next page, please?

14 A. Can you adjust the screen so I can see, please?

15 Q. Yes. Sorry about that.

16 A. Thank you.

17 "Kartashov came to MK later that week. He and Tamerlan
18 called each other, and Kartashov went to see Tamerlan at his
19 parents' apartment. They again started talking about 'that
20 stuff.' Tamerlan wanted to know more about Kartashov's
21 arguments. Kartashov had become concerned when Tamerlan told
22 him why he had come to Russia. Tamerlan wasn't aware of the
23 reality in Dagestan. Everyone was concerned. If you looked at
24 Tamerlan, you knew that he didn't really understand and that he
25 had just watched a lot of videos on the Internet. Kartashov

1 stated, 'If you ask me, he was an open person.' Tamerlan would
2 talk openly about wanting to join jihad."

3 Q. And the last paragraph on that page?

4 A. "They were in Kizylar when Tamerlan's mother, Zubeidat,
5 called him before they left. Tamerlan told her that he was in
6 Kizylar visiting relatives and that Kartashov was there too.
7 Zubeidat asked Tamerlan to pass the phone to Kartashov. She
8 greeted Kartashov and asked him to please watch out for
9 Tamerlan. Kartashov then said that was why he called Tamerlan
10 and saw him regularly."

11 Q. The next page?

12 A. "Kartashov lives in Kizlyar, which is approximately 140
13 kilometers from MK. Kartashov estimated that he saw Tamerlan
14 ten to 15 times during Tamerlan's 2012 trip to Russia, but said
15 that he cannot be sure on the number."

16 Q. Let me go to the next paragraph.

17 A. "Kartashov again mentioned that 'those talks' didn't come
18 out anymore. He said that 'they' didn't just disappear by
19 themselves. He and Tamerlan would talk for an hour or two.
20 Kartashov would give his argument, and Tamerlan would give his
21 argument. Kartashov required that the arguments be based on
22 the Qur'an. Tamerlan wasn't up to the arguments. Tamerlan
23 stated, 'You have convinced my head, but my heart still wants
24 to do something.'"

25 Q. And if we could go to the next page, please, the first

1 paragraph?

2 A. "Before Tamerlan left, he said he was going to register a
3 page on" -- I'm not going to be able to do that one. I will
4 spell it: O-D-N-O-K-L-A-S-S-N-I-K-I -- "so that it would be
5 cheaper to communicate through the Internet. About one month
6 or a month and a half after Tamerlan returned to the U.S., he
7 registered a page and sent a note to his friends. The account
8 TamerlanTsarnaev sent a note, 'Okay. I registered.'

9 "Kartashov received two phone calls from Tamerlan via
10 Skype to his phone number. One call was for 20 minutes. They
11 got cut off after 20. They asked each other what they were
12 doing. Tamerlan told Kartashov about an incident he had with
13 an imam at a mosque in Boston. Kartashov claims that he asked
14 Tamerlan why he got into that type of trouble and why he needed
15 to do that.

16 "The last time Kartashov talked to Tamerlan was about one
17 and a half months before the explosion in Boston. Russian
18 television showed everything happening in Boston live.
19 Kartashov stated that he saw the bombing. Tamerlan and his
20 family are the only relatives Kartashov has that were abroad.
21 Kartashov said, 'I had a thought,' and it occurred to him, upon
22 seeing that the bombing was in Boston, that it could have been
23 Tamerlan. Kartashov stated, 'When he left, he was kind of
24 normal.'"

25 Q. Going to the next page, please?

1 A. "Kartashov stated that when Tamerlan arrived in Russia, he
2 was already thinking about jihad and looking to do something.
3 When asked who could have planted the thoughts in Tamerlan's
4 head, Kartashov said, 'I know for a fact that it was the
5 Internet site Kavkaz Center and the lectures of Anwar
6 al-Awlaki. Tamerlan told Kartashov that he listened to 'so
7 many' lectures from Awlaki and that he regularly used Kavkaz
8 Center.

9 "Kartashov then said, 'It wasn't like he was really asking
10 me questions. My convictions are different, and I knew that
11 what he was thinking was a dead-end.'"

12 Q. Going to the next page, please. And focusing on the first
13 paragraph.

14 A. "When Kartashov talked to Tamerlan on the phone, Tamerlan
15 told him that his wife works all day while he stays home and
16 watches the kid. Tamerlan also talked about training at the
17 gym. Kartashov said they talked about an African-American
18 person that Tamerlan was trying to recruit, or convert, to
19 Islam.

20 "Kartashov claimed that the first time he saw Tamerlan was
21 a couple of months after her arrived in Russia. Kartashov
22 believed it must have been March 2012. Tamerlan had on a
23 raincoat and glasses and looked like an American."

24 Q. Does that look like a typo, "after he arrived in Russia"?

25 A. Yes, it does.

1 Q. And the last sentence on that page?

2 A. "Kartashov said that when he came to see Tamerlan in MK,
3 that Rizvan was practically always there."

4 Q. And going to the next page?

5 A. "Rizvan and Tamerlan were friends, relatives, and had a
6 normal relationship. Kartashov stated that at least 50 percent
7 of the ten to 15 times he saw Tamerlan in MK, Rizvan was with
8 him.

9 "Kartashov stated that every Muslim knows the formula,
10 that there is no God but Allah and Muhammad is his Prophet."

11 Q. And the next page, please?

12 A. "Kartashov stated that Tamerlan wanted to go to Syria, and
13 he did not know why Tamerlan didn't go to Syria. Kartashov
14 didn't say anything to Tamerlan about Syria. When asked if
15 Tamerlan was supporting fighters in Syria" --

16 Q. I'm sorry. Stop right there. I didn't mean to have you
17 read that sentence. My apologies.

18 And the next portion, please?

19 A. "In regard to Syria, Tamerlan had no knowledge and 'knew
20 nothing.'

21 "Kartashov did think it was strange that Tamerlan talked
22 to him about jihad on the first night. Kartashov said, "I am
23 telling you the truth, when he was leaving, no one would
24 suspect he was." When asked what Rizvan's response was to
25 Tamerlan's discussion at the dinner table, Kartashov stated

1 that Risvan was quiet. When Tamerlan started changing, Risvan
2 told Kartashov, 'Thank you very much. I was trying to think
3 how to change him.'

4 "Kartashov further indicated that Risvan said, 'Thank you,
5 brother. I thought they were going to come and get us all.'
6 Kartashov judged by Risvan's words that" --

7 Q. Sorry. I'm going to stop you there also. And to the next
8 sentence, please?

9 A. "Tamerlan was bragging about being some type of boxing
10 champion, but Kartashov did not take him seriously and
11 dismissed his claims as unimportant."

12 Q. And the last paragraph, please?

13 A. "Tamerlan was bragging" --

14 Q. The next?

15 A. Pardon me. "When asked why Tamerlan wanted to go to the
16 forest, Kartashov said Tamerlan felt that jihad was mandatory
17 today. Tamerlan knew some ayats," phonetic, "and some parts of
18 the Qur'an separately."

19 Q. Can you spell "ayats," please?

20 A. Yes. A-Y-A-T-S.

21 Q. And the last words on that page?

22 A. "There was a particular" --

23 Q. Next page, please?

24 A. -- "one that Tamerlan used that said, Cut off -- "Cut
25 their heads and make them kneel in front of you.'"

1 Q. And just the next sentence, please? Not the last
2 sentence.

3 A. Okay. "He had no knowledge of where it came from and that
4 it was not supposed to be literal.

5 Q. And the next -- sorry.

6 A. "Kartashov claimed that anyone who talks to Risvan
7 acquires knowledge. In regard to Zubeidat, Kartashov does not
8 think you can tell she is 'such as an Islamist' and that she
9 doesn't even cover properly. Tamerlan's sisters don't know
10 much about Islam.

11 "Kartashov claimed that just based off of conversations
12 with Tamerlan, he realized that Tamerlan's decision to pursue
13 jihad was 'not a decision he made yesterday.'"

14 Q. And the --

15 A. "Kartashov became concerned when Tamerlan was registered
16 within a private group on Odnoklassniki, to which Kartashov
17 could not get access. The name of the group is in Arabic and
18 makes reference to heaven."

19 Q. Can you spell -- I'm going to try to -- Odnoklassniki?

20 A. Yes, I can spell that. O-D-N-O-K-L-A-S-S-N-I-K-I.

21 Q. And on to the next page, please?

22 A. "Tamerlan's outburst at the mosque in Boston was over an
23 imam saying that Independence Day is 'our holiday too.'
24 Tamerlan said, 'What are you talking about? This is nonsense.'
25 Kartashov said that the imam did not want to argue with him.

1 When asked if there was anyone who took Tamerlan's side during
2 the despite and walked out of the mosque with him, Kartashov
3 said no."

4 Q. Do you think that should be "dispute"?

5 A. I do.

6 "Kartashov claimed that he asked Tamerlan 'What is the
7 purpose? Why are you doing this?'

8 "In the time period between December 2012 and April 2013,
9 Kartashov noticed changes on Tamerlan's Odnoklassniki web page.
10 Kartashov did not notice changes in his actual conversations
11 with Tamerlan.

12 "Tamerlan posted a video from Kavkaz Center that was
13 insulting toward a deceased local leader in Dagestan. The
14 leader was murdered and Kartashov took Tamerlan's post to be
15 insulting toward him. Tamerlan and Kartashov had a dialogue
16 related to the posting and Kartashov asked him why he was
17 provoking things. The conversation was on Odnoklassniki chat
18 where they corresponded by typing. Tamerlan also posted an
19 Aulaqi speech that was critical of Hizbut Tahir."

20 Q. As written here, how is "Aulaqi" spelled?

21 A. A-U-L-A-Q-I.

22 Q. And Hizbut Tahir?

23 A. H-I-Z-U-T, T-A-H-I-R.

24 Q. Please continue.

25 A. "In the speech, Aulaqi criticized Hizbut Tahir for

1 rejecting jihad."

2 Q. And the next page?

3 A. "Kartashov again wrote to Tamerlan. Based on Tamerlan's
4 answers and the fact that he posted the videos, Kartashov knows
5 that Tamerlan was still using Kavkaz Center."

6 Q. And the next two paragraphs?

7 A. "Kartashov did have concerns about Tamerlan. He did not
8 tell anyone about his concerns related to Tamerlan because he
9 did not feel his concerns were to a degree where it warranted
10 discussing it with someone.

11 "The first thing that occurred to Kartashov when he saw
12 the bombing in Boston, was Tamerlan's closed group on
13 Odnoklassniki. The group was named similarly to Riyadh
14 Hasalideen" --

15 Q. Can you spell it, please?

16 A. R-I-Y-A-D, H-A-S-A-L-I-D-E-E-N -- "but did not have that
17 ending. The name had to do with heaven in Arabic. Kartashov
18 was very concerned that Tamerlan was participating in a closed
19 group. Kartashov tried to join the group but was not able to
20 do so."

21 MS. CONRAD: I have nothing further on this exhibit.
22 I'd like to move on to 32 -- I'm sorry -- 3063A. And if we
23 could also show on the screen 3063, which is in evidence. And
24 I would ask that 3063A, which is the English translation, be
25 published to the jury and admitted -- or admitted and published

1 to the jury, probably is the right order.

2 THE COURT: Yes, all right.

3 (Defense Exhibit No. 3063A received into evidence.)

4 MS. CONRAD: May I proceed?

5 THE COURT: Yes.

6 MS. CONRAD: Thank you.

7 So, first, can you put on the screen, please,
8 Miss Sarr, 3063 by itself.

9 BY MS. CONRAD:

10 Q. And can you read that?

11 A. I can see there's a document, but I cannot read it.

12 Q. And do you see --

13 MS. CONRAD: If we could just turn it sideways for a
14 second. Is that possible? And zoom in on the little sticker
15 at the bottom that says "FBI." So the "FBI" is the right way
16 up.

17 Q. Okay. If you'd turn your head sideways, can you see the
18 number that starts with Q?

19 A. Yes, I can.

20 Q. And what is that?

21 A. It reads Q685.1.

22 Q. Okay. Thank you.

23 MS. CONRAD: And, Ms. Sarr, can you now display that
24 document with 3063A next to it, please?

25 MR. WEINREB: Your Honor, before we get too far away

1 from that 302, we would ask the Court give the jury an
2 appropriate instruction as it did yesterday about --

3 THE COURT: Well, I don't think it's necessary to
4 repeat the whole thing. I do remind the jury that it was a
5 report of an interview of what somebody said. It's under
6 circumstances different from when you see a live witness saying
7 things that can be observed and can be cross-examined on. So
8 keep those things in mind as you evaluate that kind of
9 testimony.

10 BY MS. CONRAD:

11 Q. And showing -- looking at 3063A, does it look like the
12 format of that first paragraph, and the paragraph structure
13 tracks what's on 3063?

14 A. It does.

15 Q. Okay. And I'm going to ask you, then, to read the first
16 paragraph of 3063A.

17 A. "Fight them, and Allah will punish them with your hands
18 and degrade them and grant you victory over them. And heal
19 (the pain) in the chest of the believers and remove anger
20 (accumulated) in their hearts and accept the repentance from
21 the one who wishes it so. And Allah - Knowing Sage.
22 (Repentance, 14-15)"

23 Q. And it looks to be a citation of some sort?

24 A. It does.

25 Q. And going to the next paragraph?

1 A. "If Allah supports you, then no one can overcome you. If
2 He takes his support away from you, then who will help you
3 instead of him? May the believers put their trust in Allah.
4 (The Family of Imran 16)"

5 Q. And then the next paragraph?

6 A. "Among those who believe, there are men who are faithful
7 to the covenant that they made with Allah. Among them, there
8 are those, who have already fulfilled their obligations, and
9 those who are still waiting, but they do not betray their
10 covenant. (Sonmy, 23)"

11 Q. Would you spell "sonmy"?

12 A. Yes, S-O-N-M-Y.

13 Q. And the next paragraph?

14 A. "Indeed, Allah has dominion over the sky and of the earth.
15 He gives life and killeth. Without Allah, you have no guardian
16 and no helper. (At-Taubah, 116)

17 "March forth, whether this is easy for you or burdensome,
18 and fight on your path toward Allah, with your property and
19 with your souls. This way will be better for you, if you only
20 knew. (Taubah, 41)"

21 Q. And is there a second page to that document, I believe?

22 (Counsel confer off the record.)

23 Q. And, again, it looks like it's the same paragraph
24 structure?

25 A. Not for this page.

1 Q. One second. All right. Let's try it now. How about now?

2 A. Now it does, yes.

3 Q. Okay. And I'm going to ask you to read from the second
4 page of 3063A.

5 A. Okay.

6 Q. The first two paragraphs.

7 A. "For truly, the Prophet (may Allah bless him and welcome
8 him) has explained that Muslims, in their mutual love and
9 mutual mercy, are like one body, and if one of the organs
10 becomes ill, then the whole body becomes ill with fever and
11 sleeplessness.

12 "Muslims are destroyed, their blood is spilled night and
13 day, O, brothers."

14 Q. And please continue?

15 A. "All we need is Allah, and, O, how perfect is this
16 guardian.

17 "O, Allah, you are our relief and our hope.

18 "O, our lord, we do not hope for any relief except for
19 that which is coming from you.

20 "There is no strength or power in anyone except Allah.

21 "The almighty Allah says: 'Do not fear people, fear me,
22 and do not sell my revelations for a small price. Those who do
23 not make decisions in accordance with what was written by
24 Allah, are unbelievers.' (5;44)

25 "They will fight on their way to Allah, and do not fear

1 condemnation. (5;54) "

2 MS. CONRAD: Can we, at this time,
3 introduce -- display 3064, which is in evidence, but introduce
4 the contents, which is 3064, and introduce 3064A, which is the
5 translation?

6 THE COURT: All right.

7 BY MS. CONRAD:

8 Q. And if we could look at 3064 first, please, and just look
9 at the number on the side by the FBI sticker?

10 A. Yes.

11 Q. And can you read us the number that begins with Q for
12 that?

13 A. Yes, I can. Q708.

14 MS. CONRAD: And can we then turn to 3064A and also
15 display first the matching page from 3064.

16 And can we enlarge 3064, that first page, for a
17 minute, please? No, 3064. "The Russian."

18 Q. And I take it you can't read that?

19 A. I cannot.

20 Q. Okay. So can I ask you to read the first page of 3064A,
21 please?

22 A. Yes.

23 "Can I have it? He doesn't. [Illegible].

24 "They have surpassed all human capabilities.

25 "May your mind not be clouded by pride, for it will

1 deceive and knock you off the righteous path. Do not wait.
2 All grace belongs to Allah, and he is the distributor of
3 rewards.

4 "We will go down this road. If we see worry on the faces
5 of our commanders, he added: Do not let yourself relax. Know
6 that Allah will help you according to your service. And
7 nothing will scare Muslims, as long as they have the support of
8 Allah.

9 "Reasonable people would never dare do something like
10 this, at least not at this time of the year, not with such huge
11 numbers, and not when the fate of Syrian Muslims is hanging in
12 the balance and depends on their appearance. However,
13 reasonable people never acquire the greatest glory."

14 Q. Let's go to the next page, please. And I'm just going to
15 ask you -- I'm sorry. And I'm just going to ask you -- sorry.
16 I'm just going to ask you to read the last sentence. Oh, no.
17 I'm sorry. Excuse me. The second-to-last sentence.

18 A. "I am fighting so hard, because my heart is burning up in
19 flames."

20 MS. CONRAD: And if we could go to the next page,
21 please. I think we need the next page of 3064A with 56479 on
22 the bottom.

23 Q. Okay. And I'm just going to ask you to read the first
24 paragraph.

25 A. "O, warriors of Islam! The time has come for you to

1 endure. Weakness and cowardice lead to dishonor, but the one
2 who stands deserves the help of Allah. The one who endures the
3 blows of the sword, will be glorified, and His work will be
4 rewarded, when he comes before the lord. Verily, Allah loves
5 persistent."

6 Q. Actually, let's go to the next page, please.

7 Can you read that first sentence?

8 A. "The night went by peacefully, if one can speak of
9 exhausted, battle-wounded people as being peaceful, people who
10 forced themselves to do wonders that are beyond the boundaries
11 of human strength and possibility."

12 Q. And the next line?

13 A. "If Syria," with a translator's note: "Could also be
14 Sariiya," "military group."

15 Q. Next page, please. And I would ask you to read the last
16 paragraph.

17 A. "The almighty says: And we will most certainly test you,
18 in order to find out (who) among you will fight and endure.
19 (Muhammad, 31)."

20 Q. And the next page, too. Can you please read that
21 paragraph, the first paragraph?

22 A. Yes. "Mudzhahed always returns to battle, but not because
23 he is stubborn. Mudzhahed remembers the words of one warrior:
24 'There was a time when I listened to stories about someone's
25 courage. There was a time when'" --

1 Q. I'm sorry. I think I cut that off. Let me try again.

2 A. Thank you.

3 "There was a time when I simply lived, only because I had
4 to live. And now I live because I'm a warrior and because
5 someday I want to stand before the one for whom I fought so
6 much."

7 Q. And the next page, please?

8 I'm sorry. Sorry. Can we go back for one second? I
9 forgot something. We can skip the other one. I'd just ask you
10 to read the last paragraph on that page.

11 A. "And Mudzhahed does not ask others for permission to swing
12 his sword and simply takes it into his own hands" -- I'm
13 sorry -- "takes it into his hands."

14 Q. And the next page, please? And if you could just read the
15 first paragraph?

16 A. "Once Mudzhahed begins the jihad, he goes until the end.
17 His motto: Victory or heaven."

18 Q. And the next page, please?

19 THE COURT: Ms. Conrad, can I interrupt to ask how
20 much more you have of this?

21 MS. CONRAD: I'm only reading a sentence from each
22 page, but I still have about eight more.

23 THE COURT: I think we'll take the morning recess.

24 THE CLERK: All rise for the Court and the jury. The
25 Court will take the morning recess.

1 (The Court and jury exit the courtroom and there is a
2 recess in the proceedings at 11:27 a.m.)

3 THE CLERK: All rise.

4 (The Court and jury entered the courtroom at 12:05
5 p.m.)

6 THE COURT: Go ahead.

7 Q. Miss Petri, I'd like to resume with Page 9 of Exhibit
8 3064A, which I think you can see on your screen.

9 A. Yes, I can.

10 Q. Okay. I'm going to ask you to read this paragraph. By
11 the way, you see a little star in front of that?

12 A. Yes.

13 Q. And do you also see that -- did you also see that on the
14 other side? Let me just do that real quick.

15 A. Yes, I do.

16 Q. Okay.

17 A. "The Almighty says: How many small units defeated units
18 with many soldiers, with Allah's permission! Truly, Allah is
19 with the patient."

20 Q. Let's go onto the next page, please, Page 10. On this
21 one, I think I'm going to ask you to read the whole page.

22 MS. CONRAD: Well, that's not what I wanted to do.

23 A. "Fear. Allah (S.W.T.) says, 'don't be afraid that they
24 will win over you, fear only Me, and do not deviate from my
25 laws...' (Al Maidah, 3).

1 "Allah (S.W.T.) says, and We will inspire fear in the
2 hearts of those who did not believe, because along with Allah,
3 they worshipped things for which He did not give any reasons.
4 (The family of Imran, 151) Mudzhahid knows all."

5 Q. And the next one, please? Can you read just the one
6 paragraph, please?

7 A. "Mudzhahid is always calm: nothing on earth can frighten
8 him and nothing has the power to store him, for he is on the
9 Righteous Path and Truth is with him."

10 Q. And -- I'm sorry. I want to go to the last paragraph on
11 that page.

12 A. "Allah (S.W.T.) says: "Muhammad, the messenger of Allah,
13 and those who are with him, are severe in relationship to the
14 unbelievers, and merciful between themselves. (Victory, 29)"

15 Q. And the next page, please?

16 A. "Friends ask mudzhahid, where does he draw all of his
17 energy from? 'From faith in the boundless mercy of Allah
18 (S.W.T.) toward his slave, that He will not leave him without
19 help and support on His Righteous Path. And that with the
20 mercy of Allah (S.W.T.) you can overcome this whole world by
21 yourself - he answers. This faith is the source of strength
22 for mudzhahid."

23 MS. CONRAD: And the next page, please, Miss Sarr.

24 A. "Mudzhahid spent a long time dwelling in a dream and is
25 now slowly waking up, and getting used to the light of Truth.

1 The light no longer scares him and he accepts the Righteous
2 Path, though this means that he will have to suffer, endure
3 hardship and take risks."

4 Q. And the next paragraph, please?

5 A. "Quran 9:38. 'O' you who believe! What is the matter
6 with you, that when you are asked to go forth in the cause of
7 Allah [Jihad] you cling heavily to this earth? Do you prefer
8 the life of this world to the Hereafter? but little is the
9 comfort of this life, as compared with the Hereafter."

10 MS. CONRAD: And can we skip the next page and go to
11 -- I think it would be Page 15.

12 A. "O Allah, give us patience and fear before You, so that we
13 do not fear anything or anyone except You!

14 "O Allah, free us completely from our attachment to life
15 on earth, and bring our hearts closer to the hereafter! O
16 Allah, give the mudzhahid everything they require, increase
17 their ranks, fortify their spirit and unify them!"

18 MS. CONRAD: And the next page, please.

19 A. "O Allah, free all Muslims who are held captive by the
20 kafir (infidel) and the murtad (apostate)."

21 MS. CONRAD: If we can skip down to the last page,
22 please, of the document. Can we just bring up the 3046, the
23 handwritten version first, please?

24 Q. This is the last -- appears to be the last page in the
25 notebook?

1 A. It does.

2 Q. That's in English, right?

3 A. Yes, it appears to be.

4 Q. And can you read that, please?

5 A. Yes. I believe it says --

6 Q. Do you want -- I can make it bigger.

7 A. Thank you. "Say. He is Allah, the one and only Allah,
8 the eternal, absolute. He" --

9 Q. Begetteth?

10 A. "Begetteth," thank you, not who is --

11 Q. Nor?

12 A. "Nor is he begotten, and there is none like unto him."

13 Q. And can you look at this, please? Can you read that?

14 A. I would be guessing.

15 Q. Let's look at the translated page, please.

16 A. Thank you.

17 Q. And so those last four repeated lines?

18 A. "Zahira, Zahira, Zahira, Zahira," and the letter P.

19 MS. CONRAD: I don't have anything more from Miss

20 Petri at this time, your Honor. Thank you.

21 THE WITNESS: Thank you.

22 THE COURT: All right. Thank you. You may step down.

23 MR. WATKINS: Your Honor, the defense calls Michael
24 Sullivan.

25 THE CLERK: Sir, you want to step up here, please.

1 Step up to the box, if you would. Remain standing. Raise your
2 right hand.

3 MICHAEL SULLIVAN, Sworn

4 THE CLERK: Have a seat. State your name. Spell your
5 first and last name for the record. Keep your voice up and
6 speak into the mic.

7 THE WITNESS: Okay. Michael Sullivan, M-i-c-h-a-e-l,
8 S-u-l-l-i-v-a-n.

9 DIRECT EXAMINATION BY MR. WATKINS:

10 Q. Good afternoon, Mr. Sullivan. How are you currently
11 employed?

12 A. I'm currently a paramedic employed by the Public Health
13 Commission for the City of Boston.

14 Q. How long have you worked at the Health Commission?

15 A. Thirty-one years.

16 Q. What -- can you briefly describe some of the positions
17 you've held over the years at the Boston Health Commission?

18 A. I first got hired as an EMT and emergency medical
19 technician and then was promoted to paramedic in 1987.

20 Q. Can I ask you to pull that mic just a little bit closer to
21 you? Thank you.

22 Describe what you need to do in order to become a
23 paramedic.

24 A. First, you need to take a -- you have to be an EMT, which
25 is generally a 100- or 110-hour course. After you take that,

1 you're certified as an EMT. Then you can take the paramedic
2 program, which is generally a 2000-hour course. It was when I
3 took it. The clinical, didactic, and then a field internship.
4 Then you get to take the national registry test and get
5 certified as a paramedic.

6 Q. When did you first become certified as a paramedic?

7 A. In 1987.

8 Q. Do you regularly get recertified as a paramedic?

9 A. You have to recertify every two years.

10 Q. Now, in the city of Boston is there more than one kind of
11 ambulance team?

12 A. The Boston deploys a two-tier response system staffed by
13 basic life support ambulances, which is the majority of the
14 ambulances, and advanced life support ambulances, which are
15 staffed by paramedics.

16 Q. So do you staff an advanced life support?

17 A. I do.

18 Q. Are there EMTs on any of the advanced life support?

19 A. No. It's staffed by two paramedics.

20 Q. How many ambulances does the Boston Public Health
21 Commission have on the road at any given time?

22 A. Well, it depends. Days and evenings, it's generally --
23 depending on staffing but generally 20 basic life support
24 ambulances and five advance life support ambulances, days and
25 evenings. And at night, the staffing drops to 15 basic life

1 support ambulances and three advance life support ambulances.

2 Q. There are ambulances on the road 24 hours a day?

3 A. There is.

4 Q. What -- in 2013, what shifts were you working?

5 A. I was working the midnight -- the night shift or the
6 midnight shift. My shift was 11 p.m. to 7 a.m.

7 Q. That would be the 11 p.m. at the end of one day to 7 a.m.
8 the next?

9 A. Correct.

10 Q. On April 18th, what shift -- were you working that same
11 shift?

12 A. I was, yes.

13 Q. Describe that shift initially when you came on at 11 p.m.
14 What kind of activities did you do?

15 A. We came in at 11:00. We did our normal shift change. And
16 we did our normal drug count, the things we normally do. And
17 then our operations center, which is known as The Turret, sent
18 us to a person in the water behind the aquarium. So we
19 responded to that. And when we got there, there was one of our
20 BLS ambulances already there, and the fire department responded
21 and the police -- Harbor Patrol responded. So we went down and
22 assisted them. Someone had already taken them out of the
23 water, and we assisted them bringing the patient up to the
24 street.

25 Q. Did you answer another call after that?

1 A. No, no. We didn't have another call after that. While we
2 were on the way there, the police office had advised us that
3 there was a shooting in Cambridge of a police officer and that
4 they had went to the Mass. General. So we headed over to the
5 Mass. General to see what was happening over there.

6 Q. Now, at some point were you directed to go someplace else?

7 A. We were. Shortly after we left the Mass. General, we were
8 dispatched to an unconscious subject in East Boston, and we
9 left the Mass. General and headed towards East Boston.

10 Q. What happened on that call?

11 A. We got canceled from that call, and we proceeded to the
12 Frontage Road, which is a fueling area. That's where we fueled
13 up our truck. And we got a call from there to the airport for
14 an unconscious person.

15 Q. Did you go out to the airport?

16 A. We did. We responded to Terminal A at the airport. And
17 on the way there, we had -- one of our shift commanders had
18 fallen in behind us. He took a different route, but we ended
19 up arriving at the same time.

20 Q. This is over at the airport?

21 A. At the airport, Terminal A.

22 Q. Was there a time after that that you were dispatched to
23 Brighton?

24 A. On the way to the airport, we had the scanner in the
25 ambulance on. And they had said that there was a carjacking in

1 Brighton, and they were in the Cambridge/Brighton area. And
2 they had updated that it was in -- it happened in Brighton. So
3 the Boston Police sent their available units in Brighton to the
4 Brighton/Watertown line.

5 Q. What happens when police are dispatched to a particular
6 area in that manner?

7 A. Well, that particular part of the city falls in our
8 district. That's part of our response area. So when the
9 police responded there, we started in that direction so that we
10 would be closer to the area if something should happen or if
11 they would need us.

12 Q. Did you make it to Brighton in your truck?

13 A. No. On the way to the -- on the way to Brighton on the
14 Mass. Pike, we had a breakdown with our vehicle, and we had to
15 coast to the -- after the tollbooths, coast to the bottom of
16 the ramp. And the shift commander that was behind us, he
17 pulled up to us and -- you know, What happened? The truck
18 broke down so we need to go with you. We ended up jumping in
19 the supervisor vehicle, and then we proceeded out to -- out
20 Western Avenue towards the Brighton/Watertown line.

21 Q. Did you end up going all the way into Watertown?

22 A. We did. Along the way, as events there had unfolded and
23 the police activity had increased, our operations center sent
24 us directly to Dexter Street in Watertown.

25 Q. Did you end up going directly to Dexter Street with the

1 shift commander?

2 A. We didn't get completely to the incident location. We got
3 to Dexter, near Arsenal Street. Right in that general area, we
4 ended up stopping there and getting out of the vehicle.

5 Q. Why did you stop there, do you know?

6 A. We stopped there -- that was the beginning of Dexter, but
7 we didn't know where our other unit was. We were going to meet
8 up with the BLS truck, or the basic life support truck, but we
9 didn't know where they were. We were on the radio. Can you
10 tell us where you are? Can you tell us where you are? We were
11 kind of hovering around that area. Shortly after that they
12 came around Dexter Street towards us.

13 Q. When you say they came around Dexter Street, who was that?

14 A. That was the District 14 ambulance, A14.

15 Q. Is that the BLS truck that's part of your two-tier system?

16 A. It is.

17 Q. What happened when you saw that truck coming towards you?

18 A. They were coming out of the street, so we made notice that
19 we were there to intercept with them. And they stopped, and we
20 opened up the back doors of the truck and got into the
21 ambulance.

22 Q. So who jumped into the truck once the basic life support
23 truck came?

24 A. I entered through the back door, and my partner entered
25 through the side door.

1 Q. And did the EMTs that were there get out, both of them?

2 A. One got out and the other stayed inside.

3 Q. Were there also law enforcement officers inside the truck?

4 A. There were. There were two Boston police officers in the
5 vehicle, too.

6 Q. Now, once you and your -- who was your partner that night
7 as part of the advance life support team?

8 A. That was Sean Murphy.

9 Q. Once you and Sean Murphy got into the truck, do you take
10 over assigned roles?

11 A. Yeah. We generally will get in the truck, and generally
12 who was at the head of the patient will be the one that will
13 kind of, like, run the call and document the call. It's, like,
14 your call. I had got in the back and started my evaluation
15 from that part of the patient. And he got in the side door and
16 started the evaluation from the head down to the waist.

17 Q. The person at the head, does that team member also do an
18 assessment of the patient?

19 A. Yeah. That's what we actually did. The person at the
20 head would do from the head to the waist, and the person from
21 the feet would do from the feet to the waist. And we'd do an
22 exam that way.

23 Q. So where did you ultimately end up in the truck? Were you
24 at the head or the feet?

25 A. Somewhere along the line in the back of the ambulance, we

1 ended up swapping positions. I was at the head and Sean was at
2 the feet.

3 Q. What did you observe about the patient that was in the
4 truck when you got there?

5 A. When I first got in the truck, I noticed that he had
6 multiple trauma, and he had some -- and road rash. And we
7 asked the police, you know, What -- What happened? And they
8 said, Well, you know, he was the suspect, and these are the
9 injuries that he has.

10 Q. And they gave you what they thought the injuries were?

11 A. Yeah. They initially -- when I asked about the road rash,
12 they said, No, no, no. It was a blast-type injury from an
13 errant explosive device.

14 Q. What other things could you personally see in your
15 observation and assessment of the patient?

16 A. He had some other penetrating trauma. Some looked like
17 they were apparent gunshot wounds, and others looked like
18 shrapnel-type-appearing wounds.

19 Q. Did you later learn that that patient was Tamerlan
20 Tsarnaev?

21 A. Well, all we knew is that he was the suspect. We didn't
22 have a name.

23 Q. Later on, you came to understand that you had transported
24 Tamerlan Tsarnaev?

25 A. Right. On the way, we received that information.

1 Q. Does your assessment also include an assessment of whether
2 they're oriented and conscious?

3 A. Yeah. The first thing we'll try to do is the general
4 appearance of the patient, and then we'll try to establish a
5 level of consciousness. He was pale. He was sweaty. And he
6 was looking at us -- we were making eye contact, so we knew he
7 was awake. But the skin condition and the mechanism of injury
8 from the trauma that he had, we suspected that he was in shock.

9 Q. Now, when he was in the basic life support truck when you
10 got in, was he still handcuffed?

11 A. He was, yes.

12 Q. Was there any attempt to take the handcuffs off of him?

13 A. No. The police department had -- he was in custody and
14 that's their policy, is to -- he had to remain in handcuffs.

15 Q. What did you also observe about his general demeanor as he
16 was in the truck?

17 A. Well, the first thing we did was try to treat him. So I
18 initially -- where do you hurt? Do you have trouble breathing?
19 But I had no -- he didn't answer us. So -- but we knew we had
20 to start treating him. And the first line of treatment would
21 be an I.V. So we wanted to get an I.V. and we could treat his
22 shock with the fluids. We could also, if we needed to, sedate
23 him to put a tube in his lungs and resuscitate him.

24 Q. When you tried to do that first, put the I.V., what
25 happened?

1 A. Well, during our exam, it was when everybody was hands on,
2 he got -- he got combative, and he was resisting our attempts
3 to intervene and treat him. For some reason, the stretcher
4 that he was on would normally have a chest strap across his
5 chest. For some reason that was lower. It was around his
6 waist. So when we attempted to intervene and treat him, he
7 would lift himself up off the stretcher and yell and scream and
8 try to resist us touching him to try to treat him.

9 When Sean tried to prep his legs -- we couldn't get I.V.
10 in his arms because he was handcuffed. So when we tried to
11 prep his legs for intraosseous -- intravenous line, just that
12 attempt, he would get resistive -- resisted the treatment and
13 would squirm around and try to get away from what we were
14 attempting to do. And multiple times he'd pull up off the
15 stretcher and --

16 Q. And what about noise, what was he doing?

17 A. He was yelling loud, you know, like a "ghurrr" type of
18 attempt when he stood up to -- it seemed like he was trying to
19 get out of the seatbelts that were holding him on and resisting
20 our attempts to treat him.

21 Q. Now, in your several decades of experience there, you've
22 had combative patients before?

23 A. Yes.

24 Q. You have had patients who have tried to get out of the
25 ambulance before?

1 A. Yes.

2 Q. And this was consistent with that kind of experience, of
3 somebody just trying to get out?

4 MR. MELLIN: Objection.

5 THE COURT: Overruled. Go ahead.

6 A. Well, that and his -- the injuries that he had and he
7 being in shock, you would get anxious from that, and, you know,
8 that's a typical response to hypoxia or shock.

9 Q. By this time, the ambulance was moving towards the trauma
10 center?

11 A. We started towards the Beth Israel. That was the nearest
12 trauma center.

13 Q. That was very quickly after you climbed inside at the same
14 time you were trying to treat Tamerlan Tsarnaev?

15 A. Yes.

16 Q. Did you also try to bandage a head wound that you saw on
17 him?

18 A. We tried -- yeah, we tried to bandage his head wound. He
19 had an abdominal wound which was an evisceration. It's a
20 penetrating injury to the abdomen where the intestines come out
21 of your abdomen. So we tried to dress that. But every time we
22 tried hands on, he resisted the treatment.

23 Q. How long did it take you to get to the trauma center?

24 A. I believe it was five minutes, six minutes, around that
25 line.

1 Q. With the behaviors he had and the yelling that he did, was
2 it possible to treat him at all during that entire period?

3 A. No, no. We could do -- we could try to keep him flat so
4 that he wouldn't sit up and drop his blood pressure further. I
5 think we put the bed in Trendelenburg to do basic type
6 treatments for the shock, but he would not allow us to treat
7 him any further than that.

8 Q. That's when you pulled up to the trauma center and passed
9 him off there?

10 A. Yeah. We notified the Beth Israel that we were coming in,
11 so they were waiting for us. We got out of the truck and
12 brought him straight into the trauma room.

13 MR. WATKINS: That's all the questions I have, your
14 Honor.

15 MR. MELLIN: No questions, your Honor. Thank you.

16 THE COURT: All right, sir. Thank you. You may step
17 down.

18 THE WITNESS: Thank you.

19 MR. WATKINS: Your Honor, the defense calls Laura Lee.

20 MR. MELLIN: Your Honor, this was a witness we had an
21 issue with.

22 THE COURT: Yes. The exhibits may be admitted.

23 THE CLERK: Ma'am, want to step up here, please. Step
24 up to the box, if you would. Remain standing. Raise your
25 right hand.

1 LAURA LEE, Sworn

2 THE CLERK: Have a seat. State your name. Spell your
3 first and last name for the record. Keep your voice up and
4 speak into the mic so everyone can hear you.

5 THE WITNESS: My name is Laura Lee, L-a-u-r-a, L-e-e.

6 DIRECT EXAMINATION BY MR. WATKINS:

7 Q. Good afternoon, Miss Lee.

8 A. Good afternoon.

9 Q. How are you currently employed?

10 A. I'm a paramedic in Boston Emergency Medical Services.

11 Q. How long have you worked for the Boston Health Commission?

12 A. Twenty-eight years.

13 Q. What's your current position?

14 A. I'm a paramedic.

15 Q. How long have you been a paramedic for?

16 A. Nine years.

17 Q. Can you describe some of the other positions that you've
18 held at Boston Health Commission?

19 A. I started out as a basic EMT, working in the ambulance;
20 and after a few years, I was promoted to the position of
21 lieutenant; and then a few years of that management -- I didn't
22 like it -- I became a paramedic.

23 Q. Why did you decide to go back to being a paramedic?

24 A. I -- honestly, I missed taking care of people. I missed
25 patient care.

1 Q. What shifts were you working in 2013?

2 A. I worked the evening shift, or 1500 to 2300, and 3 to 11
3 would be what people know it as.

4 Q. Directing your attention to April 19 of 2013, was that the
5 shift you were working?

6 A. Yes, it was.

7 Q. When you arrived -- first of all, when you came down for
8 your shift on April 19th, what was going on in the city of
9 Boston?

10 A. The lock-down was in effect, and they were hunting for the
11 other suspected bomber.

12 Q. So when you arrived to work on April 19th, were you
13 assigned to go to a particular place?

14 A. Yes, I was. The Boston SWAT team, the Special Operations,
15 was part of the search, and we align ourselves with them. In
16 any kind of warrant they have to serve, any raid they have to
17 do, we go with them. So there had already been a paramedic
18 unit and a BLS unit assigned during the day, so we were
19 relieving them. It was their shift change. We were going to
20 fill in.

21 Q. We've heard already about the two-tier system. Were you
22 matched up with a Boston Life Support Unit?

23 A. Yes, we were.

24 Q. Were both of you in Watertown?

25 A. Yes, we were.

1 Q. You were both dispatched to the same place?

2 A. Yes.

3 Q. Describe the scene getting to Watertown and arriving in
4 Watertown?

5 A. Watertown is out of our jurisdiction, so I couldn't
6 identify anything specifically in the streets. But the streets
7 were closed and -- so we were just being directed in, Follow
8 this person. Another guy would wave that way. There we were
9 and we parked.

10 Q. Again, were you there with the Boston Life Support Unit,
11 also?

12 A. Uh-huh, yes.

13 Q. Once you got down to that position in Watertown, just
14 describe generally what you saw of people there.

15 A. There seemed to be police departments from all over, each
16 one of them with their Special Operations thing. There was
17 just a lot of people. I saw people I hadn't seen in years.

18 Q. How long did you stay down at that position?

19 A. We were there, I would say -- about 3:30-ish we arrived,
20 quarter of 4, and it was dusk when things started changing. So
21 that's probably a couple hours, three hours.

22 Q. During those hours that you were waiting there, were you
23 also monitoring the radio, the radio chatter, turret tapes?

24 A. We -- our radios that we have on ourselves didn't have the
25 scanning capabilities, but we had a lieutenant and a deputy

1 that were there that were passing on anything that seemed --
2 any info that changed. And then we were just speculating.

3 Q. Did there come a time when you became aware that a suspect
4 might have been located?

5 A. They were just about to call it off when all of a sudden
6 we saw a helicopter fly in the back direction behind us and a
7 few more cruisers moving along at a high rate of speed. Then
8 there was some chatter on the radio. I don't know what was
9 said. They seemed to say they think they had something.

10 Q. You're going to have to speak up just a little bit.

11 A. And then they think they had someone.

12 Q. So what did you and your crew and the Boston life -- the
13 basic life support truck do?

14 A. We then decided we would just wait and get into the queue,
15 the line, of people going -- proceeding out to the new scene.

16 Q. Was it a pretty long line at that point of people?

17 A. It was getting pretty long. Everyone was going there.

18 Q. Did you end up on a particular street in Watertown?

19 A. As I just said, I don't know exactly what the streets are.
20 We pulled in. We took a right. And we wanted to park off to
21 the side where we would be close enough to the scene to get to
22 any patients and then also far enough back that we would have
23 an egress before we got blocked in by everyone arriving.

24 Q. Did you later learn that was --

25 A. Franklin street.

1 Q. -- Franklin Street in Watertown?

2 As you were pulling up trying to find a place --
3 appropriate place to park, did you hear anything?

4 A. As we were about to ready the equipment, we started to
5 hear gunfire.

6 Q. Once you were able to find a place to park, what did you
7 do?

8 A. We then just moved ourselves between two houses. There
9 seemed to be having -- occurring over there, so we just hid
10 between the houses between so we were safe.

11 Q. And then did you stay there for a while?

12 A. We stayed there for a while, until we were told everything
13 was clear.

14 Q. And how much time went by before you heard it was clear?

15 A. Not very long. The gunfire had stopped and more units
16 arrived and they said okay. Then we just decided to get out as
17 we usually do, put our stuff on the stretcher, get all our
18 equipment ready to access the scene.

19 Q. Once you got all the equipment ready, how long did you
20 wait there?

21 A. Probably two hours, maybe, at least.

22 Q. In that ensuing time, did you hear anything?

23 A. They sent off some flash bangs. The police used those.

24 Q. What do you understand flash bangs to be?

25 A. They're less than lethal or non-lethal means of -- they

1 create a very loud noise. It sort of temporarily stuns them
2 with the light and the sound. And then that's how they usually
3 breach a door. That's the only other times I've ever seen them
4 use it, not in this situation.

5 Q. As a paramedic, why was it important to you to know how
6 flash bangs worked?

7 A. Just in case in a more closed environment, if there had
8 anything -- any other wounds or potential injuries that I would
9 have to be mindful of.

10 Q. How many of the flash-bang explosions did you hear?

11 A. I can't say with any certainty, like, two or a few more,
12 single digits, definitely.

13 Q. Once you got the all clear -- did someone give you the all
14 clear, that it was time to come into the backyard in Franklin
15 Street?

16 A. Uh-huh. They told us that they had the suspect in
17 custody, and then we were escorted down to where he was.

18 Q. I'd like to show you what's been admit -- what has been --
19 about to be admitted as Exhibit 3060G.

20 THE COURT: Yes. So because we've had a discussion,
21 it will be admitted.

22 (Defendant's Exhibit No. 3060G received into evidence.)

23 Q. Can you see that up on your screen?

24 A. Yes.

25 Q. Is that -- what is that a picture of?

1 A. When we arrived on scene, that was the suspect who was in
2 custody. There were other FBI, ATF -- there was every state
3 police, every organization there. Medics were there first and
4 they were just assessing him. And that's where we found him.

5 Q. What did you do when you saw Jahar Tsarnaev on the ground
6 like that?

7 A. My partner and I split up. He came around to the head,
8 wanted to sort of assess a level of consciousness, looked to
9 see if he was breathing. I grabbed a pulse, and I saw there
10 was another wound on his leg. And we just sort of just -- you
11 go through your tier: Do you treat it now? What do you do?
12 What are we going to have to do? But he was stable at the time
13 and awake and alert.

14 So we then put the scoop stretcher. It's a frame sort of
15 thing, like a backboard but, it's concave and it kind of cups
16 the patient. So we rolled him, put him on that, and then put
17 him on our stretcher and then proceeded back to the ambulance
18 where we could, under the bright lights, get a better look and
19 do a secondary survey.

20 Q. Going back to the picture, when you saw him on the ground
21 there, his hands are behind his back?

22 A. Yes.

23 Q. Did you observe him to be handcuffed by the time you got
24 there?

25 A. He was handcuffed, yes.

1 Q. When he went on the scoop stretcher, was he handcuffed?

2 A. Yes, he was.

3 Q. So you and other members of your team took him back to the
4 ambulance?

5 A. Uh-huh.

6 Q. Tell us about getting inside of the ambulance with Mr.
7 Tsarnaev.

8 A. We got inside, the bright lights on. I sat at the head,
9 and my partner, Mike, started -- we uncuffed him so that his
10 arm could be extended and we could start an intravenous. Mike
11 started the I.V. and --

12 Q. I'm sorry. I just want to interrupt you there. He was
13 handcuffed when he was on the stretcher at some point?

14 A. Yes, yes. Then when we were inside, we uncuffed him so he
15 could lay -- lie on his back and his arm could be free --

16 Q. When you say you uncuffed him, do you have handcuff keys
17 yourself?

18 A. I do, but I didn't do it myself. It was one of the other
19 accompanying men that came with us.

20 Q. Tell us about that. When you got into the truck, were
21 there law enforcement agents also getting into the truck?

22 A. Yes, there were.

23 Q. How many got into the truck?

24 A. Probably would be three more maybe.

25 Q. Did more try to get in?

1 A. Everybody wanted to get in. But, you know, there was only
2 room for that many, so --

3 Q. Who had to put their foot down about the number that could
4 get in?

5 A. My partner and I. He's, like, Okay. That's it. You
6 couldn't fit any more either, so --

7 Q. So you were inside with brighter lights, and that is the
8 time that you started your assessment?

9 A. Yes.

10 Q. Now, we've -- each member of your advance life support
11 team, the two of you, have different roles once you get in the
12 ambulance?

13 A. Uh-huh, yes.

14 Q. What was your role?

15 A. My role was at the head so observing his gunshot wound. I
16 saw where we think it entered in the back. His hair was all
17 matted, so we didn't really sort of examine it very, very
18 closely or it might have started to bleed again. He had a
19 wound along the jaw here that was open. It looked like -- you
20 want detail? It looked like one of the fragments had probably
21 gone off. His cheek looked a little deformed.

22 And in order for the eye to focus, like, all the muscles
23 have to have the same tension from each side so it stays in the
24 middle. It looked like one of his muscles had been damaged or
25 cut, and his eye sort of -- it didn't have that contrary force

1 to keep it in line. So it looked like it was rolling back in
2 his head. Once I determined that's what it was, I had him
3 focus at me, and I could see he could make it focus. Just when
4 he was resting, closing his eyes, it rolled back.

5 I went on, looked in his airway, see if we had to intubate
6 him, if any further medical treatment was required. I bandaged
7 his side, put a cervical collar on him to kind of hold the
8 bandage against his head. And Mike then started the I.V.

9 Q. At this point, was the ambulance stationary or moving?

10 A. It was stationary so that we could just -- so you could
11 start the I.V. and so that we could, you know, notify -- tell
12 everybody to get out of the way so we could leave.

13 Q. You talked about the eye rolling back in the head.

14 Absence some other explanation, is that a cause for concern for
15 consciousness?

16 A. It would look as if he was going unconscious, rolling
17 back, perhaps about to seize. But once I spoke loudly to him,
18 told him to open his eyes, he was able to follow commands. He
19 opened his eyes, and he could keep his eyes fixed, and I could
20 see that that wasn't what it was.

21 Q. Is it part of your assessment to ask the patient some
22 questions?

23 A. Yes, where he had been hurt. Bullets, by nature,
24 sometimes fragment off, and so we wanted to make sure he was
25 breathing fine. Does this hurt your chest? Can you take a

1 deep breath? Does it hurt your abdomen? Can you move your
2 legs? Can you move your hands? Do you feel this? And then
3 ask about any medical problems or any medications he might have
4 taken, any allergies he might have. He was able to respond to
5 all of those questions.

6 Q. So there are several questions that you were asking. You
7 reeled off all of them. But each one, you would stop and get
8 some kind of answer from him?

9 A. Yes.

10 Q. Are they generally yes-or-no answers?

11 A. Yes.

12 Q. Can you feel this?

13 A date of birth, were you able to get that from him?

14 A. Yes.

15 Q. He was responding to all of your questions?

16 A. Uh-huh.

17 Q. Did you ask him about drug allergies?

18 A. I asked him, yeah, any allergies, and he said he was
19 allergic to cats. That's all he --

20 Q. Allergic to what?

21 A. Cats. That's the only allergy, not any medications.

22 Q. And so the questioning that you did of him took place all
23 through the trip to the trauma center?

24 A. Uh-huh.

25 Q. Where was the trauma center?

1 A. The Beth Israel Deaconess Hospital.

2 Q. How long did that take?

3 A. About seven minutes, I believe.

4 Q. During that period of time, was he ever combative?

5 A. The other -- the other members, the other men that were
6 there, wanted to dress the wound on his leg. He had a wound,
7 perhaps gunshot wound, on his leg. And they wanted to sort of
8 dress that. So they -- I was up here and there was no space to
9 move. They were closer to the leg. So someone put a dressing
10 on it. Apparently, it was very tight and he was mad and --

11 Q. Let me --

12 A. Got loud.

13 Q. -- stop you there. You talked about the other men in the
14 ambulance.

15 MR. MELLIN: Your Honor, may she be allowed to finish
16 the answer?

17 THE COURT: I think she should finish the answer.

18 MR. WATKINS: I'm sorry. I thought --

19 THE WITNESS: I'm sorry.

20 Q. Continue on. Finish.

21 A. No. They just -- they put it on and then he -- it was too
22 tight. It was uncomfortable for him.

23 Q. You talked about the other men. Was it you or Sean Murphy
24 that -- what was that that was put on? Was it a tourniquet?

25 A. It was a tourniquet-like bandage, yeah.

1 Q. Tourniquets are painful, is that --

2 A. They can be, yeah.

3 Q. That was not something that you put on the leg?

4 A. I didn't put it on. I had no access to the leg from where
5 I was.

6 Q. And Sean Murphy did not put that on?

7 A. No, no.

8 Q. So it was one of the other three individuals in the
9 advance life support?

10 A. Uh-huh.

11 Q. Did you know any of those people?

12 A. I didn't. I had never met any of them before, no.

13 Q. Do you know whether any of them had any medical training
14 at all?

15 A. I think one of them -- I can't answer with any surety
16 really. I just imagine.

17 Q. So aside from that, saying that the tourniquet was too
18 tight, was he compliant with all of your directions and your
19 questions?

20 A. Yes. He answered all my questions.

21 Q. And did he ever try to get out of the ambulance?

22 A. No, but he was -- he had seat belts and straps on him, and
23 he was handcuffed to the bed.

24 Q. When he got to -- when you arrived at Beth Israel
25 Deaconess Medical Center, did he ask you a question?

1 A. He asked where his brother was.

2 Q. Did you answer him?

3 A. I myself did not.

4 Q. Did one of the other folks in the truck answer him?

5 A. Yes. They said he would find out soon. That's it.

6 Q. Sorry. Can you pull the mic up a little?

7 A. They said he would find out soon.

8 Q. And that was one of the other individuals in the truck?

9 A. Uh-huh.

10 MR. WATKINS: May I have just a moment, your Honor?

11 (Discussion held off the record.)

12 Q. I'm sorry. I think we were both going a little too fast
13 there.

14 What was the question that he asked you as he was -- as
15 you arrived at the Beth Israel Deaconess Medical Center?

16 A. He said, Where's my brother?

17 Q. And you didn't answer him?

18 A. No.

19 Q. You have to answer.

20 A. No. I'm sorry. I did not. Not my place to answer.

21 Q. But one of the other members did?

22 A. Yes, sir. And they said, You'll find out soon.

23 MR. WATKINS: I have nothing further, your Honor.

24 MR. MELLIN: Your Honor, may I have one moment?

25 (Discussion held off the record.)

1 MR. MELLIN: Thank you, your Honor. Nothing further.

2 THE COURT: No questions?

3 MR. MELLIN: No.

4 THE COURT: All right. Miss Lee, you may step down.

5 THE WITNESS: Thank you.

6 MS. CONRAD: Defense calls Catheryn Charner-Laird.

7 THE CLERK: Ma'am, want to come up here to the box,
8 please. Remain standing and raise your right hand.

9 CATHERYN CHARNER-LAIRD, Sworn

10 THE CLERK: Have a seat. State your name. Spell your
11 first and last name for the record. Keep your voice up and
12 speak into the mic so everyone can hear you.

13 THE WITNESS: Catheryn Charner-Laird, C-a-t-h-e-r-y-n,
14 C-h-a-r-n-e-r - L-a-i-r-d.

15 DIRECT EXAMINATION BY MS. CONRAD:

16 Q. Good afternoon, Miss Charner-Laird. Where do you work?

17 A. I work at the Cambridgeport School.

18 Q. Is that a private school or a public school?

19 A. It's a public school.

20 Q. In which school district?

21 A. In the Cambridge Public School District.

22 Q. What is your position there?

23 A. I'm currently the principal of the school.

24 Q. How long -- when did you become the principal?

25 A. In 2010.

1 Q. How long have you worked at the Cambridgeport School?

2 A. I have worked there -- I started as a teacher in 2002, and
3 I had a hiatus for two years when I was in the Newton Public
4 Schools, from 2008 to 2010.

5 Q. And then you went back?

6 A. And then I went back, correct.

7 Q. What grades are at that school now?

8 A. Currently, it's junior kindergarten through fifth grade.

9 Q. Did you work at the Cambridgeport School -- let me stop
10 there. Where did you go to school?

11 A. I went to undergraduate at Swarthmore College; graduate
12 degree from UC Berkley; and Harvard Graduate School of
13 Education.

14 Q. Did you work at the Cambridgeport School in -- in the 2002
15 to 2003 school year?

16 A. Yes, I did.

17 Q. What grades were you teaching at that time?

18 A. I taught a combined third- and fourth-grade class.

19 Q. Did you have Jahar Tsarnaev in your class?

20 A. Yes, I did.

21 Q. Do you see him in the courtroom?

22 A. Yes, I do.

23 Q. When you first met Jahar, was he new to this country?

24 A. Yes.

25 Q. Did you know where he came from?

1 A. I don't recall if I knew at the time.

2 Q. Did he start at the very beginning of the school year?

3 A. I believe it was not the first day of school. I believe
4 it was a couple days or weeks into school.

5 Q. How was his English?

6 A. He was just learning English at that time, so he didn't
7 speak a lot in the beginning. English was his second language.
8 And he was, as any newcomer would be, initially very quiet and
9 eventually learning bits and pieces and, you know, towards the
10 end of the school year, speaking more.

11 Q. Now, do you recall how old he was when he started in your
12 class?

13 A. I don't recall.

14 Q. But that would have been the fall of 2002?

15 A. The fall of 2002, yes.

16 Q. I'm just going to show you a document and see if that
17 refreshes your recollection.

18 MS. CONRAD: The document camera just for the witness,
19 please.

20 Q. Does that refresh your recollection how old he was in the
21 fall of 2002?

22 A. Yes. So he would have been nine years old in the fall of
23 2002.

24 Q. Is that the usual age for a child starting the third
25 grade?

1 A. So typically that would have been fourth grade.

2 Q. What was he like?

3 A. He was incredibly hard working. He cared a lot about his
4 studies. You know, he tried very hard. I think a lot of times
5 he didn't know exactly what to do but wouldn't necessarily ask
6 for help right away but always wanted to do the right thing.

7 Q. Was he a discipline problem?

8 A. Never.

9 Q. As the year progressed, did his English improve?

10 A. Yes.

11 Q. By the end of the year, how would you say his English was?

12 A. I would say it was not necessarily fluent, but it was very
13 proficient.

14 Q. How did he get along with the other students, the other
15 children, in his class?

16 A. He got along well. In the beginning, I think he was
17 quiet, and so it took a little while to warm up. He didn't
18 necessarily know how to communicate. But by the end of the
19 year, he had made lots of friends.

20 Q. Were there any activities that he enjoyed, for example,
21 during recess?

22 A. I do remember he was always playing soccer at recess.

23 Q. By himself or with other kids?

24 A. No, with other kids. That was definitely a way he could
25 connect.

1 Q. Did you meet his parents at any point?

2 A. I did.

3 Q. Do you remember anything about this, recognizing this is
4 12 years ago, 11 years ago?

5 A. I don't remember specifics, but I do remember that we had
6 a parent conference. I do remember that they very much wanted
7 him to be advanced a grade. That, you know, he was placed in
8 third grade in a combined three/four classroom, and they kept
9 asking was he doing well enough to move ahead.

10 Q. Did you have an opinion about whether he was doing well
11 enough to move ahead?

12 A. I didn't have an opinion about moving ahead. My opinion
13 was that he was doing very well academically.

14 Q. At grade level, above grade level?

15 A. I think it was hard to assess in terms of his English
16 skills. It wouldn't have been above grade level. But his math
17 skills were definitely probably above grade level at that time.

18 Q. Do you remember all the students that you taught?

19 A. Most.

20 Q. Even though it's been quite awhile, you remember Jahar?

21 A. I do.

22 Q. What do you remember about him?

23 A. I mean, I do remember how hard he worked. It's not easy
24 to come into a classroom and not know how to speak the
25 language. And he worked very hard. He never seemed to stop

1 just because -- or give up.

2 MS. CONRAD: I don't have any further questions.

3 Thank you.

4 MR. CHAKRAVARTY: Very briefly.

5 THE COURT: Hang on.

6 MS. CONRAD: Not yet.

7 THE WITNESS: Sorry.

8 CROSS-EXAMINATION BY MR. CHAKRAVARTY:

9 Q. You knew the defendant 11 years ago?

10 A. He was my student in 2002, 2003.

11 Q. That was third grade?

12 A. Yes.

13 Q. And third grade is normally eight-year-olds, right?

14 A. Yes.

15 Q. People have their whole lives ahead of them at that age?

16 A. Yes.

17 Q. You described the defendant as being disciplined?

18 A. Disciplined, yes.

19 Q. You thought he was pretty smart?

20 A. Yes.

21 MR. CHAKRAVARTY: Thank you.

22 MS. CONRAD: I could call another witness or we can --

23 THE COURT: No. I think we'll take the recess. You
24 may now step down. We'll take the lunch recess at this point.

25 THE CLERK: All rise for the Court and the jury. The

1 court will take the lunch recess.

2 (Luncheon recess taken at 12:57 p.m.)

3 THE CLERK: All rise for the Court and the jury.

4 (The Court and jury enter the courtroom at 2:08 p.m.)

5 THE CLERK: Be seated.

6 MS. CONRAD: The defense calls Tracey Gordon.

7 TRACEY GORDON, duly sworn

8 THE CLERK: State your name and spell your first and
9 last name for the record, keep your voice up and speak into the
10 mic so everybody can hear you.

11 THE WITNESS: Tracey Gordon, T-R-A-C-E-Y, G-O-R-D-O-N.

12 DIRECT EXAMINATION

13 BY MS. CONRAD:

14 Q. Good afternoon, Ms. Gordon. Where do you work?

15 A. I work at Cambridge Street Upper School in Cambridge,
16 Massachusetts.

17 Q. Is that a public or private school?

18 A. Public.

19 Q. What do you do there?

20 A. I teach seventh grade social studies.

21 Q. How long have you been a Cambridge public schoolteacher?

22 A. I think 16 years.

23 Q. And did you teach at a different school before?

24 A. I taught at the Cambridgeport School previous.

25 Q. And what years was that?

1 A. I don't remember exactly. Maybe around 2000, starting in
2 2000, 2001.

3 Q. And is teaching your first career?

4 A. No, it is not.

5 Q. What was your first career after college?

6 A. I owned a restaurant.

7 Q. And where was that restaurant?

8 A. On Cape Cod.

9 Q. What town?

10 A. Yarmouth Port.

11 Q. What was the name of the restaurant?

12 A. Chanterelle.

13 Q. And did you teach at Cambridgeport public school in the
14 school years 2003 to 2004 and 2004 to 2005?

15 A. Yes.

16 Q. And what grades did you teach in that year?

17 A. Fifth and sixth.

18 Q. I'm sorry?

19 A. Fifth and sixth grade. It was a combined-grade classroom.

20 Q. And did you know Jahar Tsarnaev?

21 A. Yes.

22 Q. And do you recall what school year you first had him as a
23 student in your class?

24 A. I think 2004-2005.

25 Q. I'm just going to show you a document for a moment.

1 MS. CONRAD: Just for the witness, please.

2 Q. Does that refresh your recollection what school year it
3 was?

4 A. Yes, it does.

5 Q. And what school year was it?

6 A. 2004 --

7 Q. This is January 2004, so --

8 A. So it's January, so it would be 2003-2004, then.

9 Q. And what grade was Jahar in?

10 A. Fifth grade, I believe.

11 Q. And do you know where he went to fourth grade?

12 A. At the Cambridgeport School.

13 Q. Did he complete that grade?

14 A. No, he came up to fifth grade.

15 Q. Do you remember at what point in the school year?

16 A. Early in the school year.

17 Q. So he basically skipped fourth grade?

18 A. Basically, yes.

19 Q. And I'm going to show you a photograph.

20 MS. CONRAD: And, your Honor, this is just really as a
21 chalk. I'm not offering it. This is Exhibit 3416A.

22 THE COURT: Is this on the document camera?

23 MS. CONRAD: It is. I didn't mean for it to be.

24 Let's go this way. It's going to come up better. I forgot I
25 had Ms. Sarr here to help me.

1 It's not coming up.

2 THE COURT: Yup, you should have it. Yes, now I have
3 it.

4 MS. CONRAD: I have it.

5 And can everyone see that right now?

6 THE COURT: Does the government have any objection?

7 MR. CHAKRAVARTY: No, your Honor.

8 THE COURT: It's not being offered, but it'll be
9 shown.

10 MR. CHAKRAVARTY: That's fine.

11 MS. CONRAD: We're going to show just a portion of it.

12 BY MS. CONRAD:

13 Q. And do you recognize what this picture is?

14 A. Yes, I do.

15 Q. And what is this picture?

16 A. It's a class picture of my fifth- and sixth-grade class.

17 Q. And that would be in the 2003-2004 school year?

18 A. I can't be sure.

19 Q. Do you see yourself in that picture?

20 A. Yes, I do.

21 Q. Would you put your finger on where you are in that
22 classroom? You can just touch the screen.

23 All the way on the right?

24 A. Yes.

25 Q. And do you see Jahar in that picture?

1 A. Yes, I do.

2 Q. And can you put your finger on where Jahar is in that
3 picture?

4 A. (Witness complies.)

5 MS. CONRAD: And at this point I would offer 3416,
6 which is a portion of that picture.

7 MR. CHAKRAVARTY: No objection.

8 THE COURT: Okay.

9 BY MS. CONRAD:

10 Q. Before you do that, though, do you have -- sorry. Sorry.
11 Go back a second.

12 Do you still have this picture in your classroom?

13 A. Yes, I do.

14 Q. And do you have pictures of other classes that you've
15 taught in your classroom?

16 A. Yes, I do.

17 Q. Okay. Now I would like to show you 3416.

18 MS. CONRAD: And I'd offer that.

19 THE COURT: Admitted.

20 (Defense Exhibit No. 3416 received into evidence.)

21 MS. CONRAD: Is there any way to make it a little
22 bigger?

23 BY MS. CONRAD:

24 Q. Is that what Jahar looked like when he was in your class?

25 A. Yes.

1 Q. And that's just a portion of the picture we saw a moment
2 ago, right?

3 A. Yes.

4 Q. How did Jahar adjust to being skipped a grade?

5 A. Very well.

6 Q. Tell us about that.

7 A. He acclimated very well into the classroom. He kept up
8 very well academically. And socially, it was really a seamless
9 transition.

10 Q. What do you remember about Jahar?

11 A. Super kind, really smart, very quick to learn, very hard
12 worker. Just a really lovely person.

13 Q. Do you remember all your students?

14 A. I'm sorry?

15 Q. Do you remember all the students that you've taught in
16 your 16 years teaching in Cambridge?

17 A. I would have to say no, truthfully.

18 Q. But you remember Jahar?

19 A. Yes, very well.

20 Q. And why is that?

21 A. Because he was an outstanding student, in terms of being
22 just a very kind and hardworking and dedicated person. So
23 beyond his academics, he was a person that you enjoyed being
24 around.

25 Q. Now, was that true in both fifth and sixth grades? You

1 had him both years?

2 A. Yes.

3 Q. How did he get along with other students in the classroom
4 and outside the classroom?

5 A. Very well. He made friends easily.

6 Q. And how was he in terms of being respectful to others?

7 A. Very respectful, in my memory, to all kids and adults.

8 Q. What did you know about his family?

9 A. Very little. I believe I remember meeting his dad once
10 for a conference, a parent conference, that all students took
11 part in.

12 Q. Did you know much about his relationship with his parents
13 or his siblings?

14 A. No.

15 Q. Did you know that he came from another country?

16 A. Yes.

17 Q. And how did he seem to manage in English?

18 A. Very, very well.

19 Q. I'm going to show you a few pictures -- a few more
20 pictures, if I might, and ask you about them. First is 3407.
21 Could you tell us --

22 MS. CONRAD: First of all, I'd offer this --

23 THE COURT: Just as a matter of expediency, is there
24 going to be --

25 MR. CHAKRAVARTY: No objection for 3407 through 3409.

1 MS. CONRAD: Actually, it's 3407, 3408 and 3410, I
2 think. I'm not sure why we didn't do 9, but...

3 MR. CHAKRAVARTY: No objection.

4 THE COURT: Okay.

5 MS. CONRAD: Thank you.

6 So are those are admitted, your Honor?

7 THE COURT: Yes.

8 (Defense Exhibit Nos. 3407, 3408, and 3409 received
9 into evidence.)

10 BY MS. CONRAD:

11 Q. So showing you 3407, do you recognize who's in that
12 picture?

13 A. Yes.

14 Q. And do you know who took this picture?

15 A. It was probably me.

16 Q. And can you tell us -- well, who is that in the picture?

17 A. Jahar.

18 Q. And can you tell us where this was taken?

19 A. At Farm School in Athol, Massachusetts.

20 Q. What is Farm School?

21 A. Farm School is a place where we would go every year. We
22 would take fifth- and sixth-grade students to spend a few
23 nights on a working farm so they would have an appreciation of
24 where their food comes from.

25 Q. And showing you 3408, I think -- I hope -- I'm going to

1 ask you about that one.

2 And where was that photograph taken?

3 A. At the same location, Farm School.

4 Q. And, again, it shows Jahar?

5 A. Yes, it shows Jahar at the sink, probably doing cleanup
6 chores.

7 Q. And was he responsible about doing those when he was asked
8 to do something?

9 A. Yes.

10 Q. And do you know what grade that was, by the way?

11 A. It could be fifth or sixth.

12 Q. And showing you 3410 -- well, strike that.

13 MS. CONRAD: May I just have a moment?

14 (Pause.)

15 Q. How was Jahar about participating in new activities such
16 as going to the Farm School?

17 A. It's one of the things that I think made Jahar such a fine
18 person, is that he really was happy to try new things, whatever
19 it was. So I think he was -- I remember him being very
20 enthusiastic about Farm School.

21 Q. And showing you Exhibit 3410, can you tell us about this
22 photograph?

23 A. This is in my classroom, and we would have visiting
24 professional dancers come and share their expertise with the
25 kids. And this is Jahar, again, with a few of my other

1 students participate in whatever the dancer was sharing with
2 us.

3 Q. And can you just point -- touch the screen and show us
4 where Jahar is in this picture?

5 A. (Witness complies.)

6 Q. Right in the middle?

7 A. Yes.

8 Q. And what do you remember about Jahar's participation in
9 that activity compared to other kids?

10 A. Again, very easygoing with participation. There wasn't
11 hesitation. Sometimes kids at this age can be a little shy to
12 participate, be self-conscious, but, again, my memory was that
13 Jahar really was eager to try whatever school had to offer.

14 Q. What -- at the end of -- or at some point during his
15 sixth-grade year, did you recommend him for an activity the
16 following year?

17 A. I don't -- I'm not sure.

18 Q. You don't remember? Okay.

19 If I may just have a moment.

20 A. Sure.

21 MS. CONRAD: Just for the witness at this point,
22 Exhibit 3552 at the bottom of page 2, please.

23 Page 2? Or maybe I have it numbered differently.
24 Yeah. At the bottom, I'm just going to zoom in here a little
25 bit.

1 THE WITNESS: Yes, I see I wrote he'd be a great
2 candidate next year for peer conflict resolution because he
3 respects a variety of perspectives and understands that
4 conflicts are normal and not necessarily easily resolved.

5 BY MS. CONRAD:

6 Q. Could you tell us about that? What's peer conflict
7 resolution?

8 A. I believe it was a program that the school was initiating
9 for students to help other students resolve minor conflicts,
10 what I would consider minor conflicts.

11 Q. Among themselves?

12 A. Yes.

13 Q. And why did you think that would be a good activity for
14 Jahar to participate in?

15 A. Because, as I remember it, Jahar didn't have any
16 particular alliances with any cliques, and he really was
17 outgoing in a way that he would befriend anybody and help
18 anybody in need, and I thought that those would be excellent
19 skills for that program.

20 MS. CONRAD: May I just have one moment, please?

21 Q. Do you know if he did participate in that the following
22 year?

23 A. I don't think the program got off the ground, and I think
24 that Jahar went to a different school in seventh grade.

25 Q. Okay. Going back on 3552 for one moment -- I think I just

1 need a minute to find this.

2 Sorry. I thought I had it in my computer, but I obviously
3 don't.

4 What was your reaction when you heard that Jahar was
5 involved in the Boston Marathon bombing?

6 MR. CHAKRAVARTY: Objection, your Honor.

7 THE COURT: Sustained.

8 MR. CONRAD: I have nothing further.

9 MR. CHAKRAVARTY: Nothing.

10 THE COURT: Nothing?

11 You may step down. Thank you.

12 THE WITNESS: Thank you.

13 (The witness is excused.)

14 MS. CONRAD: The defense calls Becki Norris.

15 REBECCA NORRIS, duly sworn

16 THE CLERK: State your name, spell your first and last
17 name for the record, keep your voice up and speak into the mic
18 so everyone can hear you.

19 THE WITNESS: Becki -- Rebecca Norris, R-E-B-E-C-C-A,
20 or B-E-C-K-I, N-O-R-R-I-S.

21 DIRECT EXAMINATION

22 BY MS. CONRAD:

23 Q. Good afternoon, Ms. Norris.

24 Ms. Norris, where do you work?

25 A. Community Charter School of Cambridge.

1 Q. And what's your position there?

2 A. I'm the middle school principal.

3 Q. And what is the Community Charter School of Cambridge?

4 A. It's sixth through 12th grade school in Cambridge. It's a
5 public school. We opened in 2005 with seventh, eighth and
6 ninth graders.

7 Q. And how many grades does the school have now?

8 A. Sixth through 12th.

9 Q. Now, how long have you been at the Community Charter
10 School of Cambridge?

11 A. This is year 10 for me. I started in 2005.

12 Q. When did you become the principal?

13 A. This is year four for me.

14 Q. So back in 2000 -- I need to look at my dates -- 2005, did
15 you -- or was it earlier -- did you meet -- well, at some point
16 did you meet Jahar Tsarnaev?

17 A. Yeah, I met Jahar in the summer before we started the
18 school in July 2005.

19 Q. 2005?

20 And did he attend the school?

21 A. Yes.

22 Q. And what were the circumstances when you met him in the
23 summer of 2005?

24 A. We have an advisory system at the school, so every teacher
25 has an advisory with about ten kids in it, and I was assigned

1 to be Jahar's advisor the summer before we started the school.
2 And we did home visits for all of our advisees. So that's how
3 I met him.

4 Q. Now, is this a school that someone is assigned to attend
5 by the Cambridge school system?

6 A. No, it's a school of choice. So students -- families
7 apply for a lottery, and we pick the names, and whoever gets
8 in, gets in.

9 Q. In addition to having Jahar in advisory, did you also
10 teach him?

11 A. Yeah. Yeah. I taught him for seventh grade for a
12 combined math and science class that met for about seven and a
13 half hours a week, so it's a double-block class, and then in
14 eighth grade I taught him in algebra 2, which was just a
15 regular four-and-a-half-hour-a-week class.

16 Q. And how was he as a student?

17 A. He was a very good student. He was really bright
18 and -- well, he was in algebra 2 in eighth grade, which was
19 normally a tenth-grade class, so he was really good at
20 science -- at math, and he was good at science too. I taught
21 him in science. Yeah, it really -- hardworking, smart kid,
22 well-behaved. The teachers all loved him.

23 Q. What kind of grades did he get in your class; do you
24 remember?

25 A. He was getting mostly As. I think he might have had Bs

1 for a couple of grading periods, but he was pretty much an A
2 student.

3 Q. And what else do you remember about him? Let's talk,
4 instead of academics, about his personality.

5 A. When I first met him, he was really shy and quiet. I
6 spoke Russian, so I would practice my Russian a little bit with
7 him, and that was a little bit of a connection there. And then
8 we just spent a lot of time together in class and in advisory,
9 so I got to know him.

10 He wasn't a rebel. Basically if you asked him to do
11 something, he would do it. Sometimes, like most
12 middle-schoolers, he needed a little push, but he would only
13 need one. So if he came to school one day and his homework was
14 only partially done, and I would say, "Jahar, you're so much
15 better than this. I know you can do better than this," and the
16 next day it would be perfect.

17 Q. How did he get along with other students?

18 A. Great. One of my concerns when I first met him was he
19 seemed so quiet and shy and would he make friends, but he made
20 friends quickly. He was affable. He was on the soccer team
21 and so met a lot of kids that way and had a good group of
22 friends, including a couple of close friends in our advisory.

23 Q. Do you remember the Silvas in particular?

24 A. I remember the Silvas. They weren't in the classes I
25 taught, so the classes that I had with Jahar, they weren't in

1 that class, so I didn't see them interact that much.

2 MS. CONRAD: So I'm going to show a page from his
3 eighth-grade report card, which I think is --

4 MS. CONRAD: Do you have that exhibit number?

5 (Counsel confer off the record.)

6 MS. CONRAD: I'd offer this, first of all, your Honor.
7 It's just a page of 3555.

8 MR. CHAKRAVARTY: Just the page is fine, your Honor.

9 THE COURT: Well, so it's --

10 MS. CONRAD: Let's call it 355A [sic].

11 THE COURT: Yes. Okay.

12 (Defense Exhibit No. 3555A received into evidence.)

13 BY MS. CONRAD:

14 Q. So just showing you this document, do you now -- does that
15 help you remember how his grades were?

16 A. Yeah. They were really good. He had all As and -- in
17 algebra 2 that year.

18 Q. And he had -- looks like he had all As in everything
19 except for Spanish, right?

20 A. Yeah. Yeah.

21 Q. And getting As in algebra 2 as an eighth-grader, was that
22 unusual?

23 A. Yeah. Algebra 2 is a tough class, so it took a lot of
24 skill and hard work for him to get there.

25 Q. Now, you mentioned that he played soccer. Did you have

1 some connection to the soccer team?

2 A. Yeah, my husband was the soccer coach, so I would go to
3 their games.

4 Q. I'm going to ask -- by the way, I forgot to ask. Do you
5 see Jahar in the courtroom?

6 A. Yes.

7 Q. And he's seated at counsel table?

8 A. I'm sorry?

9 Q. He's seated at counsel table?

10 A. Yes.

11 Q. I guess he looks a little different from when you last saw
12 him?

13 A. Yeah, I ran into him in high school, and he's changed a
14 little since then, but a lot since middle school.

15 Q. Well, we'll talk about the running into him in high school
16 in a minute, but let's stick with middle school.

17 So showing you -- sorry. I lost my exhibit
18 numbers -- showing you 3243, can you tell us who you see in
19 this --

20 MS. CONRAD: I'd offer this, unless the government has
21 an objection.

22 MR. CHAKRAVARTY: No objection.

23 THE COURT: Okay. Admitted.

24 (Defense Exhibit No. 3243 received into evidence.)

25 BY MS. CONRAD:

1 Q. And do you recognize anyone in this photograph?

2 A. Yeah, that's Jahar and my husband, Donald.

3 Q. And is your husband in the courtroom right now?

4 A. Yes.

5 Q. And what's happening in this picture?

6 A. The soccer team won second place in the charter school
7 league champions -- championship, so they got to go to the
8 championship game, and I think they lost the game on a
9 shootout. But they got a trophy, and that was Jahar having his
10 trophy given to him.

11 Q. And was Jahar a good soccer player?

12 A. Yeah, he was one of the best.

13 Q. So let me ask you this. I mean, he was a really good
14 student, and he was a good soccer player. Was he kind of full
15 of himself?

16 A. No, not at all. He just always came off as quiet and
17 friendly and humble.

18 MS. CONRAD: And let's go to the next photograph,
19 please.

20 Q. And this is -- I can't read it up there, 3412.

21 MS. CONRAD: I'd offer this.

22 MR. CHAKRAVARTY: No objection.

23 THE COURT: All right.

24 (Defense Exhibit No. 3412 received into evidence.)

25 BY MS. CONRAD:

1 Q. And tell us about this photograph.

2 A. That's January 2007. I had gone off on maternity leave
3 after having my daughter, and I think she was only ten days old
4 when I brought her in to meet the advisory. They'd all been
5 really excited to meet her after seeing me get bigger and
6 bigger for all those months. And so I didn't want her around
7 all the students because she was so tiny, but I brought her
8 during advisory time so she could just meet that small group of
9 students and offered to let them wash their hands and hold her.
10 And only a couple of the boys wanted to hold her. I think they
11 thought they would break her. But Jahar was -- wanted to. And
12 so he was one of them, and seemed happy doing it.

13 Q. And so this is Jahar holding the baby?

14 A. Yeah.

15 MS. CONRAD: And let's go to the next -- I think it's
16 3413.

17 Q. And what's this a photograph of?

18 A. That's just a school picture. I think that one is eighth
19 grade.

20 MR. CHAKRAVARTY: Your Honor, I have no objection to
21 all of these.

22 THE COURT: So you have the list. You don't object to
23 any of them?

24 MR. CHAKRAVARTY: Correct.

25 MS. CONRAD: So we would offer this 3413, and then

1 next would be, I think, 3420 through -22.

2 (Defense Exhibit Nos. 3413 and 3320 through 3422
3 received into evidence.)

4 BY MS. CONRAD:

5 Q. And you said that was eighth grade?

6 A. I think so.

7 Q. He looks kind of young, a little on the small side?

8 A. Yeah, he was a pretty tiny kid.

9 Q. Okay.

10 MS. CONRAD: 3420, please.

11 Q. Tell us about this photograph.

12 A. That was after the soccer team got their trophies and the
13 whole team went out -- I don't remember where, but we got them
14 pizza and soda and had a little celebration.

15 MS. CONRAD: And 3521?

16 THE COURT: I think you mean 3421.

17 MS. CONRAD: 34. Right. I can't remember what I
18 said. But whatever your Honor said, that's what I meant.

19 BY MS. CONRAD:

20 Q. And this is from the same event?

21 A. Uh-huh.

22 MS. CONRAD: And 3422?

23 Q. So in this picture, this is, again, the same post-soccer
24 tournament event, and the child he's sitting next to seems
25 quite a bit bigger. Is that someone his age?

1 A. Yeah, I think that student was a tenth-grader when Jahar
2 was an eighth-grader, so he was a lot older and had hit
3 adolescence at that point.

4 Q. And Jahar hadn't?

5 A. Jahar hadn't. No, I don't think so.

6 Q. Did you ever meet any members of his family?

7 A. I met his mom.

8 Q. And tell us about that.

9 A. So I met her on the phone, calling to organize a home
10 visit before I'd met any of them, and I recognized that their
11 last name was Russian, and I asked her in Russian if she spoke
12 Russian, and luckily she did, and so she was thrilled that I
13 spoke it.

14 And I made an appointment, came over, and she was very
15 friendly with me. She introduced me to Jahar and his sister
16 Ailina, who went to the school as well, and she and Jahar and I
17 sat -- I think it was -- if I remember correctly, I think it
18 was at a little table sort of on the patio outside. I went up
19 to their apartment, but then I think we ended up going outside.
20 And I think she fed me, and she told me that she was studying
21 for --

22 MR. CHAKRAVARTY: Objection, your Honor, the substance
23 of what she was saying.

24 THE COURT: No, overruled. You may have that.

25 BY MS. CONRAD:

1 Q. Go ahead.

2 A. She told me she was studying to apply permanent makeup,
3 this cosmetology-type thing, and offered to do it for me
4 sometime if I wanted her to. And I remember she said, "We'll
5 be good friends." She was just very, very friendly with me.

6 Q. You mentioned that you speak Russian. How is it that you
7 speak Russian?

8 A. I was a Russian major in college.

9 Q. And where was that?

10 A. University of Arizona.

11 Q. Is that where you're from?

12 A. Uh-huh.

13 Q. And did Jahar attend -- oh, strike that.

14 Is there an event called Roundtable?

15 A. Uh-huh.

16 Q. Tell us about that, please.

17 A. So at CCSC, students have to present what's called a
18 Roundtable in June, and they have to pass the Roundtable in
19 order to be promoted to the next grade. We started this the
20 second year at CCSC, so this was in June of 2007 when Jahar was
21 an eighth-grader.

22 And they have a portfolio of some of the major work
23 they've done throughout the year, projects, essays, things like
24 that, and they present it to a small panel of people, including
25 usually a parent or guardian, and then they get

1 asked -- they're kind of grilled about their work and what
2 they've learned that year. It feels kind of like a mini
3 version of a defense that you would do for grad school, but for
4 us they're defending what they've learned so that they can go
5 on to the next grade.

6 Q. And this was at the end of eighth?

7 A. Yeah.

8 Q. And do you remember whether Jahar's parents came to that?

9 A. They didn't -- they weren't able to come to that.

10 Q. Do you know why?

11 A. I think they said they were going to be out of town or out
12 of the country, if I remember correctly, and so usually it's
13 required for a parent or guardian to come, but he had his
14 neighbor come instead.

15 Q. And do you remember who that was?

16 A. That was Joanna Herlihy.

17 Q. And was that his landlady?

18 A. I didn't know at the time, but I did know that he was
19 really close to her and he felt really comfortable having her
20 there.

21 Q. By the way, you mention that your husband was his soccer
22 coach.

23 A. Uh-huh.

24 Q. Have you and your husband talked about what his experience
25 was like coaching Jahar?

1 A. Yeah, he remembers him really well and really loved him
2 too, just like I did.

3 Q. And what was he like to coach?

4 A. He was -- well, he was just a very talented soccer player.
5 He was little, but fast, and could get in between everybody,
6 and very coachable. He was a kid who would do what the coach
7 said and would play along as a team player and not try to
8 showboat in any way and was just an asset to the team.

9 Q. And was that consistent as far as being coachable? Was
10 that consistent with your experience with him?

11 A. Yeah. Yes, very much.

12 Q. Do you recall whether his mother was covering her hair at
13 that time?

14 A. No, not -- definitely not.

15 Q. You don't remember or she wasn't?

16 A. No, she wasn't covering at that time.

17 Q. Did Jahar attend ninth grade at the Community Charter
18 School?

19 A. Just for the first few days of the school year.

20 Q. And tell us what happened after that.

21 A. So he was still in my advisory at that point. I
22 don't -- I think he was in my geometry class for those few
23 days. He didn't come to school one day. I didn't know why.
24 When he came back, he told me that it was going to be his last
25 day. And I found out from administrators at the school at the

1 time that he had come to school -- we have a uniform, and the
2 students' pants have to be black or tan colored, and he had
3 come to school wearing blue pants. And he lived just down the
4 street, really close, so the administrators had sent him home
5 to change his pants. And --

6 Q. I'm sorry. Just to be clear, you were not an
7 administrator at that time?

8 A. No, I wasn't. And I didn't know that was happening that
9 day. I just knew he wasn't in my class.

10 And his -- I don't remember if it was the same day or a
11 matter of days later, because I wasn't in the loop of what was
12 happening with the pants situation, but I do know he didn't
13 come back to school that day, and his mom ended up contacting
14 the school and saying that she was very, very, very angry that
15 he had been sent home to change his pants because he didn't
16 have any pants that were clean and were -- matched the uniform,
17 and she said, "We don't have the money" -- I think she said
18 they had been out of town or something like that, so she
19 couldn't help him. And so she said, "That's it. I'm pulling
20 him. He's going to Cambridge Rindge and Latin."

21 Q. Now, you heard about this secondhand?

22 A. Yeah.

23 Q. From another -- from an administrator or from Jahar?

24 A. I think I heard about it from an administrator. I talked
25 to him about it, but I think I heard about it from the

1 administrator.

2 Q. So what happened when you talked to him about it?

3 A. He loved CCSC, and he loved his friends and had a really
4 solid, great friendships there and was finding a lot of success
5 there. And I didn't want him to go, and I didn't think he
6 wanted to go, from everything I could tell.

7 And so I said, you know, "Your mom likes me. Can I call
8 her and try to convince her otherwise?" And he just flat out
9 said, "No, don't call her." Very politely but very
10 respectfully, but, "No, don't call."

11 Q. And how did that come across to you? Why do you think
12 he -- did you, at the time --

13 MR. CHAKRAVARTY: Objection, your Honor.

14 THE COURT: Sustained.

15 BY MS. CONRAD:

16 Q. Did he say why he didn't want you to call her?

17 A. I don't remember.

18 Q. And how did you feel about him leaving the school?

19 MR. CHAKRAVARTY: Objection, your Honor.

20 THE COURT: Sustained.

21 BY MS. CONRAD:

22 Q. What were your impressions of him at the time in terms of
23 what the future held for Jahar?

24 MR. CHAKRAVARTY: Objection, your Honor.

25 THE COURT: You may answer that.

1 THE WITNESS: He was one of our top students and one
2 of our top athletes, and I thought -- our school is very
3 college-prep focused, and we get students into very good
4 colleges, and we get them very good financial aid packages, and
5 I thought that would work out for him. I thought we would get
6 him into a really good college with a full ride and he would be
7 very successful.

8 BY MS. CONRAD:

9 Q. So after he left the charter school in the very beginning
10 of ninth grade, did you see him again?

11 A. Yeah, I ran into him -- I think I ran into him a couple of
12 times, just in Cambridge, but the one time I remember the best
13 was when he was in high school, either -- I think he was either
14 a sophomore or junior, I know he was taking chemistry.

15 Q. And do you know where he was in high school?

16 A. At Cambridge Rindge and Latin, yeah.

17 Q. And tell us what that was like when you ran into him.

18 A. So I was with my family, and we saw him on Cambridge
19 Street, and we said, "Oh, that's Jahar," and we were so excited
20 to see him. And we walked up to him and said hi, and he seemed
21 very happy to see us. And I was asking him how he was doing in
22 school, and he said, "Okay." And I said, "Well, how are your
23 grades," because he was such a good student. And he said he
24 had -- I think it was a D in chemistry.

25 Q. Were you surprised by that?

1 A. Yeah. Yeah. I said, "Jahar, you're so much better than
2 that. I know you can do so much better than that." And I
3 think he changed the subject. He told me about wrestling and
4 what a good job he was doing with wrestling. That I was
5 surprised by, yeah.

6 Q. And do you remember all the students you've taught?

7 A. Yeah. Not as -- well, he's one of the top handful, but...

8 Q. And why is that?

9 A. Teachers stay with the same advisees for -- until they
10 graduate, and so even though he left our advisory, he was still
11 one of just a small handful that I got to know so well as an
12 advisor. And he was also just -- we connected really well, and
13 he was just a great kid who I had really great affection for.
14 And there's only ever a handful of those, but you don't forget
15 them.

16 MS. CONRAD: Thank you.

17 MR. CHAKRAVARTY: No questions, your Honor.

18 THE COURT: All right, Ms. Norris. You may step down.

19 (The witness is excused.)

20 MS. CLARKE: Your Honor, we'd call Rachel Otty.

21 RACHEL OTTY, duly sworn

22 THE CLERK: State your name, spell your first and last
23 name for the record, keep your voice up and speak into the mic
24 so everyone can hear you.

25 THE WITNESS: Okay. Rachel Otty, R-A-C-H-E-L,

1 O-T-T-Y.

2 DIRECT EXAMINATION

3 BY MS. CLARKE:

4 Q. Good afternoon.

5 A. Good afternoon.

6 Q. Ms. Otty, could you tell the jury a little bit about your
7 background? Where do you live?

8 A. I live in Cambridge, Massachusetts.

9 Q. How long have you lived in the area?

10 A. Eleven years.

11 Q. And where do you work?

12 A. I work at Cambridge Rindge and Latin School.

13 Q. How long -- you're a teacher there?

14 A. I am.

15 Q. How long have you taught there?

16 A. I've taught there for ten years.

17 Q. So from --

18 A. From 2005 to the present.

19 Q. Where did you -- you have a college degree, I take it, and
20 a teaching certificate. Where did you go to school?

21 A. I went to Mount Holyoke College for undergrad and then
22 UMass Boston for my graduate degree.

23 Q. Was Jahar Tsarnaev one of your students at CRLS?

24 A. Yes.

25 Q. And can you tell us -- do you see him in the courtroom?

1 A. I do.

2 Q. At counsel table?

3 A. Yes.

4 Q. Can you tell us what class that was that you taught Jahar?

5 A. It was modern history, which is a senior elective, history
6 elective.

7 Q. So what year was that?

8 A. It was his senior year.

9 Q. 2011?

10 A. 2011. Spring of 2011.

11 Q. And can you tell us just a little bit of background about
12 that class?

13 A. Yes. So it's a class that is -- covers contemporary world
14 history from the Cold War to the present, and we discuss
15 different regions. I kind of design it thematically based on
16 geographic regions. So we start with the Cold War and then the
17 post Cold War, and then we look at Russia and the United
18 States, and then we focus on Africa, and then we move into the
19 Middle East, and then we finish the class with a discussion
20 about globalization, focusing on China and Latin America.

21 Q. And so it's -- fosters discussion in the class?

22 A. It does, yes.

23 Q. And how do you do assignments?

24 A. I do them in different -- I give a lot of readings, long
25 readings, where they usually read a longer piece, either from a

1 chapter of a book or from a journal or from some curriculum
2 that we use at the school, and then they answer questions or
3 they write a reflection about it. They also do written pieces,
4 essays, pieces where they have to take a position and make
5 arguments using evidence and analysis from material we have
6 used in the class.

7 Q. And when they would write papers, would you -- or essays,
8 would you give guidance as to questions to ask and answer?

9 A. I would, yeah. For readings, there would always be
10 questions or notes or, again, a response. For papers they
11 would always have an assignment with requirements and a rubric
12 and things like that.

13 Q. And did you also foster debates in the class?

14 A. Yeah. So we had discussions. Every day we started the
15 class with a question that relates to something that we've been
16 talking about in class, and they respond to it in a notebook,
17 and then for about ten minutes or so we discuss it, and then
18 that kind of leads us into the theme for the day.

19 And then sometimes there are more organized debates where
20 often students take or are assigned different positions, and
21 then they work with a group and they prepare, and then they
22 present the arguments to the group. And then sometimes there
23 are students who are assigned positions where they have to
24 determine which group they felt made the strongest performance.

25 And, you know, I change the assignments every year. In

1 the past, I've had students take on positions and then write up
2 a piece in the aftermath, either they take -- they write from
3 that perspective or they then weigh in on their own opinion
4 about the issue.

5 Q. So when they would be assigned to take a position, you
6 would have told them what position to take?

7 A. Almost always, yeah.

8 Q. Okay. I'm going to pull up for you something I think I've
9 shown you before today.

10 MS. CLARKE: It's an exhibit, your Honor, that was
11 admitted in the first phase. 1142-147. This was an exhibit
12 that was from Jahar Tsarnaev's Sony laptop, and it was pulled
13 up by the government a few times. And I think I've clicked.

14 THE COURT: I don't see it.

15 MS. CLARKE: I'll try it again.

16 MR. CHAKRAVARTY: Your Honor, the government doesn't
17 have an objection to showing something that's already in
18 evidence. We do have an objection to the narration about what
19 it is and where it's from. If this witness doesn't know, then
20 the document speaks for itself.

21 THE COURT: Go ahead.

22 BY MS. CLARKE:

23 Q. Do you recognize -- can you see it on the screen?

24 A. I can see it, yeah.

25 Q. Do you recognize that paper?

1 A. I do.

2 Q. Is that something that -- well, tell us about it.

3 A. Okay. It's -- students had to read an article from the
4 *New Yorker* magazine. This was an article from 2009 called "The
5 Predator War." It was written by Jane Mayer, who's a
6 journalist for the *New Yorker*. And the piece is about predator
7 drones, and it was an article about the predator drone program.
8 And so students read the article and then I provided a list of
9 questions for them to answer. And so this is what a student
10 would turn in in response.

11 Q. And what does this appear to be? Jahar --

12 A. Yeah, this looks like this is -- this was a homework
13 assignment. This would be something that he would have turned
14 in.

15 (Counsel confer off the record.)

16 Q. So that's how you know that it was an assignment in your
17 class?

18 A. Uh-huh.

19 Q. All right.

20 MS. CLARKE: Your Honor, I'm also going to pull up as
21 a chalk, not to be admitted, Exhibit 3248-1.

22 THE COURT: Just to demonstrate it?

23 MS. CLARKE: Yes.

24 THE COURT: Yes, okay.

25 BY MS. CLARKE:

1 Q. What's in front of you is, just for illustration purposes,
2 what's been marked 3248-1. Is that something familiar to you?

3 A. Yes.

4 Q. And can you tell the jury what it is?

5 A. This is the article from the magazine that I would have
6 assigned that semester to the students to read.

7 Q. This is the article you just told us about?

8 A. Uh-huh. Uh-huh.

9 Q. That would have prompted the essay from --

10 A. Yeah. It's just the homework assignment. Yup.

11 Q. Okay. Thank you.

12 Can you -- do you remember Jahar Tsarnaev as a student?

13 A. A little bit, yeah.

14 Q. And was he vocal, opinionated, take extreme opinions, or
15 can you describe him for us?

16 A. No, not that I remember. He didn't talk a whole lot in
17 class. This is a class where there are 30 students in the
18 class, second semester, almost all seniors, and some pretty big
19 personalities in the class, and Jahar didn't strike me as one
20 of those personalities.

21 MS. CLARKE: Thank you. I have no further questions.

22 MR. CHAKRAVARTY: Just very briefly, your Honor.

23 CROSS-EXAMINATION

24 BY MR. CHAKRAVARTY:

25 Q. Ms. Otty, there was some other -- some friends of Jahar's

1 in your class. The Silva brothers, was one of them in your
2 class?

3 A. One of them, yeah.

4 MS. CLARKE: Objection. Scope.

5 THE COURT: Overruled.

6 BY MR. CHAKRAVARTY:

7 Q. Do you know if it was Stephen Silva or Steven Silva?

8 A. I don't -- I think it was Stephen Silva.

9 Q. And he was a good friend of the defendant's?

10 A. Yeah.

11 Q. And in your class, often when you would give an
12 assignment, people would spread out into groups, and they would
13 discuss whatever the topic was, correct?

14 A. Sometimes.

15 Q. And Emma Feigenbaum, was that another person in your
16 class?

17 A. Uh-huh.

18 Q. Was that also a friend of the defendant's?

19 A. Uh-huh.

20 Q. In fact, you didn't know the defendant very well, correct?

21 A. Not terribly well, no.

22 Q. And you didn't stay in touch with him after your class,
23 correct?

24 A. No.

25 Q. Do you remember a course -- a class that you had -- that

1 you taught in which you discussed whether -- what is terrorism
2 and who are terrorists?

3 A. Uh-huh.

4 Q. Is that something that you routinely did that you --

5 A. I still do.

6 Q. -- would -- you still have a discussion about what's a
7 freedom fighter versus a terrorist?

8 A. Uh-huh.

9 Q. And that engendered pretty lively discussion, correct?

10 A. Sort of, yeah. So the class that I teach, when we start
11 talking about the Middle East, there's a curriculum produced by
12 a program called The Choices Program out of Brown University.
13 Also PBS has a similar activity, where there are case studies
14 about conflicts, incidences around the world. So South Africa
15 and apartheid, the IRA in Ireland, and students go through
16 these case studies, and they look at them, and they're using
17 the definition of "terrorism" as we've looked at it in class
18 and determining, based on that evidence, how that would be
19 characterized.

20 Q. And so there is a discussion in your class with the
21 defendant in the class about that?

22 A. They would discuss it in groups, and then at the end we
23 would report out and just kind of talk about the assignment.
24 But you wouldn't hear from every group or go through every case
25 study.

1 Q. All right. But that topic was in the course that you --

2 A. Yeah.

3 Q. -- had the defendant in, correct?

4 A. Yes.

5 Q. And are you aware of the conversations that the defendant
6 engaged in outside of class related to that topic?

7 A. No.

8 Q. You don't know that he actually said that people wouldn't
9 like to know what his real opinions are about whether
10 terrorism is justified?

11 MS. CLARKE: Objection. Objection to scope.

12 THE COURT: Overruled. You may have it.

13 THE WITNESS: No.

14 BY MR. CHAKRAVARTY:

15 Q. So none of the other students came back to you and said,
16 "Ms. Otty, this is what Jahar said about the topics in class"?

17 A. No.

18 Q. They didn't say that he supported the freedom fighters or
19 the people who were standing up?

20 MS. CLARKE: I have to object.

21 THE COURT: Sustained to that.

22 MS. CLARKE: And move to strike the question.

23 THE COURT: Well, it may stand on the record. It's
24 not evidence.

25 MR. CHAKRAVARTY: That's all I have, your Honor.

1 THE COURT: All right, Ms. Otty. Thank you. You may
2 step down.

3 MS. CONRAD: The defendant calls Brendan Kells.

4 BRENDAN KELLS, duly sworn

5 THE CLERK: Have a seat. State your name, spell your
6 first and last name for the record, keep your voice up and
7 speak into the mic so everyone can hear you.

8 THE WITNESS: Brendan Kells, B-R-E-N-D-A-N, K-E-L-L-S.

9 DIRECT EXAMINATION

10 BY MS. CONRAD:

11 Q. Good afternoon, Mr. Kells.

12 A. Good afternoon.

13 Q. Where do you work?

14 A. Cambridge Rindge and Latin High School.

15 Q. And how long have you worked there?

16 A. This is my ninth year.

17 Q. What do you teach?

18 A. I teach in the history department. I teach

19 U.S. history I, sociology and economics.

20 Q. Do you also help run some student activities and
21 organizations?

22 A. Yeah. Yes, I do.

23 Q. And which ones in particular?

24 A. Currently I coach baseball, the JV baseball team, and I am
25 the advisor for the Model United Nations club.

1 Q. Tell us what Model United Nations club is.

2 A. The Model U.N. club is an extracurricular academic club
3 that engages students in issues around international diplomacy,
4 and it culminates in students participating in conferences. We
5 go to two conferences a year, typically, as a club.

6 Q. And where are those conferences held?

7 A. One of them's here in Boston, the Harvard Model United
8 Nations club. It's housed at the Sheraton Boston. And then
9 the other one is in New York City, housed at the Hilton there.

10 Q. Now, do students earn credit for participating in this?

11 A. No.

12 Q. And is it something where you can just show up and go to
13 the conference?

14 A. No.

15 Q. Is there -- so tell us what kind of preparation work goes
16 into that.

17 A. I mean, it's an academic commitment that students make
18 when they join Model U.N. It requires a good amount of outside
19 work and research in going into it, and most of our work as a
20 club meeting on a weekly basis is in preparation for conference
21 so that students can best represent our delegation in the
22 committee that they've been assigned. So it's very research
23 oriented.

24 Q. And is that research that the students do on their own?

25 A. Primarily, yes.

1 Q. And at some point did you meet Jahar Tsarnaev?

2 A. Yes.

3 Q. And when did you meet him and how?

4 A. I believe it was the school year 2010 to 2011 as a member
5 of the Model United Nations club.

6 Q. Now, the types of students who typically join that club,
7 how would you compare their level of academic motivation to
8 other students?

9 A. They're fairly academically inclined to take on such a
10 robust extracurricular activity.

11 Q. And what types of topics do they address in preparing for
12 the conferences?

13 A. It's widely varied. I mean, it's kind of on a
14 year-by-year basis. Mostly current events of international
15 relations, the conferences that we're at are United Nations
16 simulations. So any sort of topic that the United Nations in
17 real life would deal with is something that our club also deals
18 with.

19 Q. And do the students pick the position that they're going
20 to take?

21 A. Not exactly, no.

22 Q. So how does that work?

23 A. So we get -- when we get accepted to go to a conference,
24 we get assigned as a delegation to represent a particular
25 country. And then as a delegation, each individual student is

1 assigned to a committee, and they have to represent our
2 country, the one that we've been assigned, their interests, as
3 a piece of this simulation that is happening at conference. So
4 they're not necessarily choosing their own personal opinions
5 when they're defending it.

6 Q. And did Jahar participate in a conference?

7 A. He did.

8 Q. Which one?

9 A. The Harvard Model U.N. conference here in Boston.

10 Q. And do you remember when that would have been for the
11 2010-2011 school year?

12 A. I couldn't give you an exact date. It's usually at just
13 about the last weekend in January or maybe the first weekend of
14 February, right in that range.

15 MS. CONRAD: I have no further questions. Thank you.

16 MS. PELLEGRINI: I have nothing, your Honor.

17 THE COURT: Nothing? All right, Mr. Kells. Thank
18 you.

19 (The witness is excused.)

20 MR. WATKINS: Tiarrah Dottin.

21 TIARRAH DOTTIN, duly sworn

22 THE CLERK: State your name, spell your first and last
23 name for the record, keep your voice up and speak into the mic
24 so everyone can hear you.

25 THE WITNESS: Tiarrah Dottin, T-I-A-R-R-A-H,

1 D-O-T-T-I-N.

2 DIRECT EXAMINATION

3 BY MR. WATKINS:

4 Q. Good afternoon, Ms. Dottin.

5 A. Good afternoon.

6 Q. Where were you born and raised?

7 A. Cambridge, Massachusetts.

8 Q. And does your family live there still?

9 A. Yes.

10 Q. Did you go to school in Cambridge?

11 A. Yes.

12 Q. Did you go to high school in Cambridge?

13 A. Yes.

14 Q. And did you go on to college after Cambridge?

15 A. Yes.

16 Q. Where did you go to college?

17 A. UMass Dartmouth.

18 Q. I want to go back to growing up in Cambridge. Where did
19 you go to elementary school?

20 A. I went to Cambridgeport from kindergarten through fourth
21 grade, and from fifth grade to eighth grade I went to Morse
22 School.

23 THE COURT: I'm sorry. I'm having difficulty hearing.
24 I think maybe the jury is as well.

25 BY MR. WATKINS:

1 Q. If you could speak up, maybe pull the mic just a little
2 bit towards you.

3 A. From kindergarten through fourth grade, I went to
4 Cambridgeport School. From fifth grade to eighth grade, I went
5 to Morse School.

6 Q. Did you ever encounter the Tsarnaev family while you were
7 growing up?

8 A. Yes.

9 Q. When -- who did you first encounter from the Tsarnaev
10 family?

11 A. Ailina in elementary school at Morse -- yeah, Morse
12 School.

13 Q. And when was that? What grade were you in?

14 A. I was in fifth grade.

15 Q. Did you become friends with Ailina Tsarnaev?

16 A. Yes.

17 Q. And how long did that last for?

18 A. For about a year or two.

19 Q. Talk a little bit about your friendship with Ailina.

20 A. My cousin was friends with Ailina, and I tagged along with
21 them most of the time and hung out.

22 Q. Now, was Ailina older or younger than you?

23 A. She was older.

24 Q. By how many years?

25 A. A year or two. I'm not quite sure.

1 Q. Back in fifth grade, did you know Jahar Tsarnaev?

2 A. No.

3 Q. When was the first time you met Jahar Tsarnaev?

4 A. In high school.

5 Q. Where did you go to high school?

6 A. Cambridge Rindge and Latin High School.

7 Q. When during your time at Cambridge Rindge and Latin did
8 you meet Jahar?

9 A. Around my freshman year of high school.

10 Q. And what were the circumstances of meeting him?

11 A. I immediately thought he looked like Ailina and asked if
12 he was related to her, and he said he was.

13 Q. Now, was Jahar in the same grade as you?

14 A. Yes.

15 Q. And were the two of you both going to school all through
16 high school at Cambridge Rindge and Latin?

17 A. Yes.

18 Q. How would you describe your relationship with him during
19 those high school years?

20 A. It was more of an acquaintance. I would see him in the
21 halls, be like a "hi" and "bye" basis.

22 Q. What about -- did you do after-school sports?

23 A. No.

24 Q. Did you see him on a social basis?

25 A. Yes. I seen him at parties that high school kids threw.

1 Q. You're going to have to speak up just a little more. And
2 maybe raise that mic up just a hair.

3 A. Okay.

4 Q. You're talking about when you might see Jahar outside of
5 school during your four years?

6 A. Yes.

7 Q. So where would you -- what kinds of circumstances would
8 you see him?

9 A. They were at house parties, drinking involved, a lot of
10 people. Just hanging out.

11 Q. Did you have mutual friends?

12 A. Yes.

13 Q. Did you -- were you ever over at the Tsarnaev house during
14 that time?

15 A. No.

16 Q. Was Jahar Tsarnaev over your house during that time?

17 A. No.

18 Q. What did you -- what did you study while you were -- what
19 courses did you like while you were at UMass -- I'm sorry -- at
20 Cambridge Rindge and Latin?

21 A. English classes. That's my main, like, interest, really.

22 Q. Did you decide you wanted to go to college?

23 A. Yes.

24 Q. And where did you go to college?

25 A. UMass Dartmouth.

1 Q. Why did you choose UMass Dartmouth?

2 A. It was the cheapest school that I got into.

3 Q. Describe your feelings when you first went off to UMass
4 Dartmouth to go to college.

5 A. It was a different environment. Five other kids were
6 going, entering that year as well from Rindge, and it was
7 more -- it made it more comfortable going there, knowing that
8 other people were going.

9 Q. Was UMass Dartmouth generally a large school, small
10 school? How would you describe it?

11 A. It's a small school.

12 Q. Were you assigned to a dormitory?

13 A. Yes.

14 Q. And which dormitory were you assigned to?

15 A. Chestnut.

16 Q. Are all freshmen assigned to dormitories in the same area?

17 A. Yes.

18 Q. Where was Chestnut in relation to Pine Dale Hall -- or
19 Maple Ridge Hall?

20 A. It was right next to Maple Ridge.

21 Q. You started to talk about there were other kids from
22 Cambridge Rindge and Latin that also went to UMass Dartmouth?

23 A. Yes.

24 Q. Was there a particular group that you became close with?

25 A. Yes.

1 Q. And who was in that group of students that came from
2 Cambridge Rindge and Latin to go on to UMass Dartmouth?

3 A. Jamie, Robel, Steve, Jahar and myself.

4 Q. Do you know Robel's last name?

5 A. No.

6 Q. Do you know Stephen's last name?

7 A. Yes. Yes.

8 Q. What's Stephen's last name?

9 A. Silva.

10 Q. And Jamie?

11 A. Jimenez.

12 Q. Is Jamie a man or a woman?

13 A. A woman.

14 Q. And she's a friend of yours also?

15 A. Yes.

16 Q. So how was it the five of you became close at UMass
17 Dartmouth?

18 A. We hung out. We watched -- we drank together, we played
19 video games and just mostly talked and hang out together.

20 Q. Why this group of friends? Why not some other group of
21 friends?

22 A. Because we all came from high school, and we knew each
23 other.

24 Q. Did you sometimes get together on your own just to do
25 things, hang out together?

1 A. Yes.

2 Q. And where would that happen? Where would you hang out
3 together?

4 A. We would either hang out in Stephen Silva's dorm or
5 Jahar's dorm.

6 Q. I think you started to -- you have to talk just a little
7 bit louder yet.

8 What kinds of things would you do in the dorm rooms with
9 the five friends?

10 A. We would drink together, play video games, watch TV and
11 just hung out, just chilled together.

12 Q. Did you have a particular name for these nights when the
13 five of you would get together?

14 A. Yes, I called them "bro nights."

15 Q. And why did you -- bro nights, B-R-O nights?

16 A. Yes.

17 Q. And why did you call them bro nights?

18 A. Because it was more on a friendship basis. It was -- to
19 make it clear that -- like we -- I was one of the boys hanging
20 out.

21 Q. And why was that important to you to have that kind of
22 relationship?

23 A. Because we all came together from the same school and to
24 have that bond together.

25 Q. And why were those nights important to you? What was it

1 about them that you enjoyed?

2 A. I enjoyed just having the people that I knew from
3 Cambridge, the city that we came from, and us being so close
4 together.

5 Q. Now, did you have a boyfriend at the time?

6 A. Yes.

7 Q. And where did he live?

8 A. He lived in Cambridge as well.

9 Q. Was he going to UMass Dartmouth?

10 A. Yes.

11 Q. And would he -- he was actually attending UMass Dartmouth?

12 A. No. He just came to visit me.

13 Q. Right. So did these circle of friends also know your
14 boyfriend?

15 A. Yes.

16 Q. And was that something you appreciated about the bro
17 nights?

18 A. Yes.

19 MR. WATKINS: Your Honor, I'd like to show two
20 exhibits, 3291 and 3292.

21 THE COURT: Is there going to be any objection to
22 these?

23 MR. WEINREB: Can we see them on the...

24 MR. WATKINS: That is 3291; that's 3292.

25 MR. WEINREB: I have no objection to those, your

1 Honor.

2 THE COURT: All right. We'll admit them, then, if you
3 were going to offer them. I assume you were.

4 MR. WATKINS: I am offering Exhibit 3291.

5 THE COURT: All right.

6 (Defense Exhibit No. 3291 received into evidence.)

7 BY MR. WATKINS:

8 Q. Ms. Dottin, on the screen in front of you, do you see a
9 picture that has been admitted as Exhibit 3291?

10 A. Yes.

11 Q. Can you describe who's -- first of all, is this one of the
12 bro nights you described?

13 A. Yes.

14 Q. Who is in the picture that we see?

15 A. Jahar, Jamie, Robel and Steven.

16 Q. You can touch the screen. It will make arrows, hopefully.
17 So can you point out Jahar in this picture?

18 A. This is Jahar.

19 Q. A little harder, maybe?

20 A. (Witness complies.)

21 Q. And who else, if you can go around?

22 A. This is Jamie, Robel and Stephen.

23 Q. And can you tell what Robel is doing in that picture?

24 A. Yes, he's playing video games.

25 Q. Was that a standard staple of the bro nights?

1 A. Yes.

2 Q. Did you like playing video games yourself?

3 A. No.

4 Q. Did you like hanging out the while the boys were playing
5 video games?

6 A. Yes.

7 Q. I want to show you now Exhibit 3292. Is that also one of
8 the bro nights that you described?

9 A. This is Stacia (ph) -- oh, I kind of --

10 Q. Sorry. Let's try that again.

11 A. This is Stacia, Jamie, Jahar, and these are the three men
12 over here; I wasn't sure of their names. Some of our bro
13 nights were joined by other people.

14 Q. But always the core five of you?

15 A. Yes.

16 Q. What's going on in this particular picture?

17 A. The three men on the left are playing video games, Jahar
18 is looking at them, and the two ladies on the right are playing
19 beer pong.

20 Q. And is this standard operating procedure for bro nights?

21 A. Yes.

22 Q. Did you also -- as part of -- at UMass Dartmouth were
23 there also organized social events into Providence?

24 A. Yes, there was a club night that UMass Dartmouth did every
25 week, and we -- I went to one of the club nights, and the

1 school busses would drive us to Providence and back.

2 MR. WATKINS: I'd like to show the witness Exhibit
3 3290. Perhaps just for the witness and counsel.

4 Q. Do you see in front of you a picture?

5 A. Yes.

6 Q. Do you need a minute?

7 A. Yes.

8 MR. WATKINS: Move to admit Exhibit 3290.

9 THE COURT: Can we have a description of it first?

10 MR. WATKINS: Oh, I'm sorry.

11 BY MR. WATKINS:

12 Q. What is in this picture? Who is in this picture?

13 A. Jahar and I.

14 Q. And do you recall when that was from?

15 A. It was the night of the club night.

16 Q. Where was that picture taken?

17 A. In Providence, Rhode Island.

18 MR. WATKINS: I'd move to admit Exhibit 3290.

19 MR. WEINREB: No objection, your Honor.

20 THE COURT: All right.

21 (Defense Exhibit No. 3290 received into evidence.)

22 BY MR. WATKINS:

23 Q. And where exactly was this picture taken?

24 A. At Ultra Nightclub in Providence, Rhode Island.

25 Q. Can you tell us kind of shape you and Jahar were in?

1 A. We had been drinking. It was a fun time. I was excited
2 to see him because I didn't expect him to be there. I didn't
3 know he was going to be there. And so when I seen him, I was
4 like, "Jahar, let's take a picture," and we did.

5 Q. So did you and your group of friends continue to be close
6 over the freshman year, get together for bro nights?

7 A. Yes.

8 Q. Did you also do other things together?

9 A. Yes. Sometimes Jahar would take us to Target just to grab
10 a few things. Even picked my boyfriend up at the terminal
11 once. And --

12 Q. Did you have a car down at UMass Dartmouth?

13 A. No.

14 Q. Did Jahar have a car there?

15 A. Yes.

16 Q. Would he offer, then, to take you places --

17 A. Yes.

18 Q. -- you needed to go?

19 A. Yes.

20 Q. Did you know that Jahar was Muslim as his faith?

21 A. No.

22 Q. Did he ever talk about that at all?

23 A. No.

24 Q. Did he try to push any kind of belief system on you?

25 A. No.

1 Q. What about politics? Did the two of you talk about
2 politics in the world?

3 A. No.

4 Q. Did he ever express any kind of anti-American animus?

5 A. No.

6 Q. What kind of words would you use to describe Jahar as you
7 knew him back then?

8 A. He was loyal, fun, laid back, kind of that.

9 Q. Was he friendly?

10 A. Yes.

11 Q. To you?

12 A. Yes. To everybody.

13 Q. As you -- during the summer of your freshman year, after
14 you went back after your freshman year, did you see Jahar
15 around town?

16 A. Yes, but not as much.

17 Q. Going back into your sophomore year, did you -- did that
18 same group of friends continue to get together as often?

19 A. No.

20 Q. And why was that?

21 A. Everybody was doing their own thing, making new friends.
22 Everybody was just busy with their own lives.

23 Q. Did you still see Jahar occasionally?

24 A. Yes.

25 Q. And what would happen when you would see him during your

1 sophomore year?

2 A. I would be excited because I didn't see him as often. I
3 would hug him and ask him how he was doing. It was only for a
4 couple of minutes that we had that encounter.

5 Q. Even though you'd moved on to other friends, did you still
6 miss the bro nights?

7 A. Yes.

8 Q. Did you -- you and Jahar make plans to have more bro
9 nights that sophomore year?

10 A. We tried, but they just didn't work out, didn't end up
11 happening.

12 Q. So reflecting back now on the Jahar Tsarnaev you knew back
13 then, what you saw of him and his character, what did you think
14 when you came to realize he was one of the Boston Marathon
15 bombers?

16 MR. WEINREB: Objection.

17 THE COURT: Sustained.

18 THE WITNESS: I was --

19 THE COURT: No. I'm sorry. The answer won't be
20 given.

21 THE WITNESS: Oh, sorry.

22 MR. WATKINS: Your Honor, this would go to
23 Mr. Tsarnaev's character.

24 THE COURT: No, I think I've consistently sustained
25 those questions to what individuals thought.

1 MS. CONRAD: May we be heard, your Honor?

2 THE COURT: No, I think it's been a consistent ruling.

3 MS. CONRAD: I understand, but I'd like to be heard.

4 THE COURT: All right. Afterwards.

5 MR. WATKINS: I have no further questions of this
6 witness.

7 CROSS-EXAMINATION

8 BY MR. WEINREB:

9 Q. Good afternoon, Ms. Dottin.

10 A. Good afternoon.

11 Q. My name is Bill Weinreb. I'm one of the prosecutors in
12 the case. I'd like to ask you a few questions.

13 A. Okay.

14 Q. When you knew Dzhokhar Tsarnaev in college, would you say
15 that he was basically his own person?

16 A. Yes.

17 Q. So he knew his own mind?

18 A. Yes.

19 Q. He wasn't like a follower?

20 A. No.

21 Q. Wasn't easily pushed around?

22 A. I never seen him ever being pushed around.

23 Q. Now, he was an agreeable person. By that I mean, you
24 know, if somebody asked him something, he was inclined to say
25 yes?

1 A. No.

2 Q. Well, if they asked him for a ride, let's say,
3 somewhere --

4 A. Yes, he would.

5 Q. But he also knew how to say no?

6 A. Yes.

7 Q. Mr. Tsarnaev was not a big talker, was he?

8 A. No, but once you got to knew [sic] him, he was.

9 Q. And you did get to know him?

10 A. Yes.

11 Q. And, in fact, you were pretty close friends with him?

12 A. Yes.

13 Q. And would you say that you confided in him and he confided
14 in you?

15 A. No.

16 Q. Because he was not the kind of person who easily confided?

17 A. Could you repeat that?

18 Q. Let me put it another way. So although you were close
19 friends with him, he wasn't the kind of person who felt
20 compelled to always say what was on his mind?

21 A. I don't -- I mean, there was never an occasion where he
22 was angry or like mad about something to disagree with somebody
23 like that.

24 Q. Okay. But even if it wasn't a disagreement, if he was
25 just talking about what was on his mind, let's say, or what he

1 was feeling about things, would he share those kinds of things
2 with you?

3 A. No.

4 Q. In fact, he was somewhat private. Would you agree?

5 A. Yes.

6 Q. All right. For example, did you know that he was watching
7 Anwar al-Awlaki videos on his computer?

8 A. No.

9 Q. No?

10 Did you know that he was listening to jihadi songs and
11 nasheeds on his computer?

12 A. No.

13 MR. WATKINS: I object.

14 THE COURT: Overruled.

15 BY MR. WEINREB:

16 Q. He didn't share that with you?

17 A. No.

18 Q. And to your knowledge, he didn't share it with any of his
19 other friends either?

20 A. Not to my knowledge.

21 Q. That was a part of himself that he kept private from his
22 friends?

23 A. Yeah.

24 MR. WEINREB: I have no further questions.

25 MR. WATKINS: Nothing else.

1 THE COURT: Nothing else?

2 All right, Ms. Dottin. You may step down.

3 MS. CONRAD: Your Honor, the defense calls Alexa
4 Guevara. But I think we're going to have the same issue again,
5 so I would like to come to sidebar.

6 THE COURT: All right. I'll see you.

7 (Discussion at sidebar and out of the hearing of the
8 jury:)

9 MR. BRUCK: Your Honor, we think when this question is
10 framed in terms of "Based on the person you knew, what was your
11 reaction," that is just a common parlance way of conveying the
12 person's perception of character and laying it against the
13 facts -- different sorts of facts that obviously have come out.
14 It's a colloquial way of speaking that elicits a very revealing
15 answer.

16 And so long as it's -- we haven't always done this,
17 and I understand the rule, and it's not prefaced this way, but
18 when the question is elicited as -- is framed as "Based on what
19 you knew, based on the person you knew, based on the character,
20 everything we've talked about, what was your response" -- we
21 think when it's asked that way, it really --

22 THE COURT: I think there are ways of getting closer
23 to it than the question that was asked could do -- well, a
24 proper question to get to it, but just asking for a raw opinion
25 I think is beyond the bounds.

1 MR. BRUCK: It's not the opinion.

2 THE COURT: It is.

3 MR. BRUCK: It's the reaction in the moment based
4 on --

5 MR. WEINREB: I think this is part of the problem,
6 your Honor, which is that although character evidence is
7 admissible, this kind of open-ended question invites all sorts
8 of different kinds of answers, some of which could be relevant
9 but many of which could be completely irrelevant, and that's
10 why it's not a good question.

11 THE COURT: Anyway, I understand the proposition, and
12 I think --

13 MS. CONRAD: I have some cases I'd like to cite.

14 THE COURT: Fine. Give them to me and I'll look at
15 them.

16 MS. CONRAD: And also, I just -- you know, I think
17 Mr. Weinreb has an objection to the open form since we've
18 gotten a lot of objections to the leading. If there's a
19 suggestion as to leading only, as in, "Were you surprised?" or
20 "Were you shocked?"

21 THE COURT: I'll take it by the question. The
22 witness's objective observations is one thing; opinions are an
23 opportunity to simply opine, I guess, to the jury about --

24 MR. WEINREB: We're asking for their own reactions, as
25 opposed to what the defendant is like, based on what they've

1 seen and heard.

2 MR. BRUCK: The problem is that character is the very
3 core of what is at issue at this stage and how people felt is
4 an opinion or evaluation of character. So I guess if the Court
5 has a way that we are groping towards and not quite reaching
6 that would do it, I'm all ears. We just aren't quite sure.

7 MR. WEINREB: Your Honor --

8 THE COURT: I think you have -- I can't give you the
9 question, but I think you --

10 MR. MELLIN: I'll be happy to tell you. "What did you
11 think of his character?" instead of trying to tie it to an
12 event.

13 MS. CONRAD: That's the point of these cases, is they
14 talk about, you know, "That's not the person I knew that would
15 do something like that," and that's what we're getting at.

16 MR. MELLIN: That's not permissible.

17 MS. CONRAD: Well, according to those cases, it is.

18 THE COURT: Thank you.

19 (In open court:)

20 MS. CONRAD: I think I called Alexa Guevara.

21 ALEXA GUEVARA, duly sworn

22 THE CLERK: Have a seat. State your name, spell your
23 last -- first and last name for the record, keep your voice up
24 and be sure to speak into the mic so everyone can hear you.

25 THE WITNESS: Okay. My name is Alexa Guevara,

1 A-L-E-X-A, G-U-E-V-A-R-A.

2 DIRECT EXAMINATION

3 BY MS. CONRAD:

4 Q. Good afternoon, Ms. Guevara.

5 A. Hi.

6 Q. How old are you?

7 A. I'm 21.

8 Q. And where did you go to school?

9 A. I went to Cambridge Rindge and Latin High School.

10 Q. And when did you graduate?

11 A. In 2012.

12 Q. So did you know Jahar Tsarnaev in high school?

13 A. In passing.

14 Q. And was he the same year as you?

15 A. No, he was a year above me.

16 Q. And do you also have an older sister who went to Cambridge
17 Rindge and Latin?

18 A. Yes.

19 Q. And what's her name?

20 A. Her name is Pamala Rolon.

21 Q. Could you spell that, please?

22 A. P-A-M-A-L-A, R-O-L-O-N.

23 Q. And when did she graduate?

24 A. She graduated from Rindge in 2008.

25 Q. After you graduated from Rindge, did you go to college?

1 A. Yes.

2 Q. Where did you go?

3 A. I went to UMass Dartmouth.

4 Q. And what year did you start in UMass Dartmouth?

5 A. 2012.

6 Q. And when you were at UMass Dartmouth, did you get to know
7 Mr. Tsarnaev a little better?

8 A. Yes.

9 Q. And do you see him in the courtroom today?

10 A. I do.

11 Q. And where do you see him?

12 A. Sitting right in front of me.

13 Q. And how did you get to know Jahar better at college?

14 A. Well, I was introduced to Jahar by Tiarrah Dottin.

15 Q. And are you a friend of Tiarrah's?

16 A. Yes. We're really good friends.

17 Q. From high school?

18 A. Yes.

19 Q. And how long have you been friends with Tiarrah?

20 A. Probably since my junior year in high school.

21 Q. And did you spend time with Jahar along with another group
22 of friends?

23 A. I did.

24 Q. Who were the other friends that you tended to be with?

25 A. I tended to be with Azamat and Dias.

1 Q. And that's Azamat, A-Z-A-M-A-T?

2 A. Yes.

3 Q. And Dias, D-I-A-S?

4 A. Yes.

5 Q. And how did you get to know Azamat and Dias?

6 A. I was introduced to them by my sister.

7 Q. And that's Pamala?

8 A. Yes.

9 Q. And what kinds of things would you do together?

10 A. We hung out at our other friend's apartment sometimes. We
11 watched TV, watched the boys play FIFA at Dias's apartment.

12 Q. Let me stop you right there. What's FIFA?

13 A. FIFA is a video game that -- it's like a soccer video
14 game, I guess.

15 Q. And is that something that you would play or just the
16 boys?

17 A. Just the boys.

18 Q. And who else would be there when you were over at Dias'
19 and Azamat's apartment?

20 A. I'm sorry. What was --

21 Q. When you were at Dias' and Azamat's apartment, who else
22 would be there?

23 A. Well, me, Pamala and Tiff sometimes, and Jahar.

24 Q. And "Tiff," is that Tiffany?

25 A. Yes.

1 Q. What other things would you do? Would you go out to eat?

2 A. Yeah. Not as often, really. We'd usually order food, if
3 anything.

4 Q. And was there a particular type of food that Jahar liked
5 to order?

6 A. Domino's.

7 Q. Domino's Pizza?

8 A. Yes.

9 Q. Anything in particular he liked to order from Domino's
10 Pizza?

11 A. I've seen him get cheesy bread, and he likes lava cakes.

12 Q. What's lava cakes?

13 A. Chocolate lava cakes that they have at Domino's. They're
14 just little small chocolate cakes.

15 Q. And if he had food, would he just get food for himself?

16 A. No, he'd always offer it before he ordered.

17 Q. To share?

18 A. Yes.

19 Q. What was he like when you knew him in 2012? This would be
20 the 2012-2013 school year.

21 A. It was good. I always knew I was going to have a good
22 time if I was hanging out with Jahar.

23 Q. And what was his personality like?

24 A. Very approachable, very kind, very accepting of whatever
25 anyone had to say.

1 Q. There's tissues next to you and water if you need it.

2 Okay?

3 A. (Nonverbal response.)

4 Q. How did he make you feel when you spent time with him?

5 A. Really happy. I felt at ease, like I could relax and not
6 take whatever I'm saying so seriously.

7 Q. Now, you said that he was open, I think. I don't know if
8 that was your word, but, you know, approachable. Did you ever
9 see him fight with anybody?

10 A. No.

11 Q. Did you ever hear him argue with anybody?

12 A. A couple of times.

13 Q. Tell us about that. What kinds of things would he argue
14 about?

15 A. Who's the best rapper.

16 Q. And who would he argue with?

17 A. Dias.

18 Q. And what was that like?

19 A. It was pretty funny to watch.

20 Q. Why? Just give us an example.

21 A. An example of?

22 Q. Of what the argument would be like. Who would say, you
23 know, what kinds of things and --

24 A. Well, I know that Jahar really liked Kendrick Lamar. I
25 think the only people that they could agree on that they both

1 really liked was Kid Cudi.

2 Q. And, I'm sorry, but you're going to have to explain this
3 for some of us. Who's Kendrick Lamar?

4 A. He's a pretty -- relatively new rapper to...

5 Q. And how would Dias and Jahar resolve their differences
6 about their opinions about Kendrick Lamar?

7 A. They would be like, "Oh, well, you have your opinion; I
8 have mine. I guess we'll just leave it at that."

9 Q. And would there be hard feelings?

10 A. No, they were laughing like in five minutes.

11 Q. And did you ever hear him talk about politics?

12 A. Not really.

13 Q. Religion?

14 A. It was brought up that he was Muslim. It was a question
15 directed toward him, Aza and Dias, but besides knowing that,
16 no.

17 Q. Do you know what religion Dias and Aza were?

18 A. They were also Muslim.

19 Q. As far as you could tell, were they very observant?

20 A. No.

21 Q. In fact, was there some partying that went on among this
22 group?

23 A. Yes.

24 Q. And what did the partying consist of?

25 A. Usually it consisted of meeting at Tiff's apartment or

1 Dias's and having drinks and perhaps smoking as well.

2 Q. Smoking what?

3 A. Marijuana.

4 Q. Okay. I'm just going to ask you to pull the microphone a
5 little closer and maybe keep your voice up a little more so we
6 can all hear you. Okay?

7 What was he like compared to other boys that you knew at
8 UMass Dartmouth?

9 A. Way more respectful.

10 Q. Respectful toward whom?

11 A. Toward me or my friends, females in general.

12 Q. So how would you -- how would that come out?

13 A. I mean, he just -- like he could be flirtatious at some
14 points, but never in a way that would make you feel
15 uncomfortable or like -- he just knew when to stop, just -- I
16 don't know. Sorry.

17 Q. It's okay. Take a moment and help yourself to the
18 tissues.

19 Now, was he someone who was the center of attention?

20 A. No.

21 Q. Was he loud?

22 A. No.

23 Q. What kind of -- did he stick with one particular group of
24 friends?

25 A. He was kind of more of a floater.

1 Q. What do you mean?

2 A. He had friends in a lot of different cliques and groups.

3 Q. Was he into cars?

4 A. Yes.

5 Q. Tell us about that.

6 A. He likes fast cars.

7 Q. And did any of this group have a particular car?

8 A. Dias and Aza bought a BMW, but another friend, Sogger
9 (ph), had a pretty nice Camaro as well.

10 Q. What about Jahar's car? What was his car like?

11 A. Typical college start-up car, not the fastest.

12 Q. In fact, were there a lot of times when he didn't have it?

13 A. Yeah.

14 Q. Where would it be?

15 A. In the shop.

16 Q. When he did have it, did he offer to give people rides?

17 A. Yeah.

18 Q. Did you have a particular activity online that you and
19 Jahar liked to do?

20 A. There was an app that we had, an online game, Ruzzle.

21 Q. Is that R-U-Z-Z-L-E?

22 A. Yes.

23 Q. And what is Ruzzle?

24 A. It's been compared to Words with Friends, but it's kind of
25 like a time -- it's like Scrabble but with a time limit.

1 Q. How often would you play Ruzzle with Jahar?

2 A. Once we started, it was like every day between classes, at
3 night, all the time.

4 Q. And while you were playing, were you able to communicate
5 with each other?

6 A. Yes.

7 Q. So tell us how that works.

8 A. Ruzzle has a feature to it that is kind of like texting,
9 then you can send messages back and forth.

10 Q. So would you at the same time you were playing be sort of
11 having a conversation?

12 A. Yeah, sometimes.

13 Q. Who was better?

14 A. Me.

15 Q. Didn't sound like there was much hesitation about that.

16 A. Well, I beat him plenty of times.

17 Q. Was he a sore loser?

18 A. I don't know if I would say "sore loser," but he would
19 chalk it up to not really trying so hard.

20 Q. So he tried to play it off a little?

21 A. Yeah.

22 Q. What kinds of things would you talk about when you spent
23 time together?

24 A. Just things that we liked, things that we liked to do,
25 things that we were planning to do not too far ahead in the

1 future.

2 Q. Did you ever talk about what you planned to do maybe the
3 next school year?

4 A. He did a little bit.

5 Q. What did he say?

6 MS. PELLEGRINI: Objection.

7 THE COURT: No, overruled.

8 BY MS. CONRAD:

9 Q. What did he say?

10 A. I'm sorry.

11 Q. Take your time.

12 A. That he wanted to transfer to UMass Amherst.

13 Q. Did he say why?

14 A. I remember him telling me that he wanted to study marine
15 biology.

16 Q. And did he ever talk to you about maybe some further
17 studies or fields that you should pursue?

18 A. Yeah, he encouraged me to go to art school.

19 Q. How did that come about?

20 A. He and Dias saw me sketching one day, and I let them look
21 at some of my sketches, and they thought they were really good.

22 Q. So what did Jahar say about that to you?

23 A. That I have talent and that I shouldn't let it go to
24 waste, so I should go to art school and do what makes me happy.

25 Q. How did that make you feel when he said that? Take a

1 minute.

2 A. It made me feel really good, like someone believed in me.

3 Q. Do you know anything about his family?

4 A. Not very many things.

5 Q. Did he seem like that was something that he was private
6 about?

7 A. Yes.

8 Q. Did you ever meet his brother?

9 A. No.

10 Q. Do you know anybody who did?

11 A. I think my friend Tiarrah may have met him.

12 Q. How about Dias?

13 A. Oh, yeah, Dias did meet him.

14 Q. What did Dias tell you about his brother?

15 MS. PELLEGRINI: Objection.

16 THE COURT: Sustained.

17 BY MS. CONRAD:

18 Q. Did you form an impression of what role Jahar's brother --
19 that was Tamerlan, right? You knew his name?

20 A. Yes.

21 Q. -- what role Tamerlan played in Jahar's life?

22 MS. PELLEGRINI: Objection.

23 THE COURT: Sustained.

24 BY MS. CONRAD:

25 Q. When he did talk about his brother, how would he talk

1 about him?

2 MS. PELLEGRINI: Objection. I don't believe this
3 witness testified to that.

4 THE COURT: Yeah, I think that's right. Sustained.

5 BY MS. CONRAD:

6 Q. Did he talk about any members of his family?

7 A. He talked about his niece.

8 Q. And what would he say about his niece?

9 A. She was super cool.

10 Q. And did you ever see pictures of her?

11 A. Yes.

12 Q. Would he show you pictures of her?

13 A. I think he did once.

14 Q. And where were those pictures?

15 A. On Instagram.

16 Q. So he posted pictures of her on Instagram?

17 A. Yes.

18 Q. And, sorry, for those of us who haven't come all the way
19 into the digital age, can you tell us what Instagram is?

20 A. It's like a different version of social media where it's
21 only pictures and videos now.

22 Q. Was Jahar funny?

23 A. Yeah.

24 Q. Tell us about his sense of humor.

25 A. He was really corny.

1 Q. What do you mean "corny"?

2 A. Like you could tell he wasn't taking himself too
3 seriously, and like he didn't really have a problem laughing at
4 himself to make you laugh.

5 MS. CONRAD: May I have one moment, please.

6 (Counsel confer off the record.)

7 BY MS. CONRAD:

8 Q. Why are you crying?

9 MS. PELLEGRINI: Objection.

10 THE COURT: Overruled.

11 THE WITNESS: Because I really miss the person that I
12 knew.

13 BY MS. CONRAD:

14 Q. What do you miss -- what role did he play in your life?

15 A. He was a good friend. He was a supporter. He was just
16 there for me.

17 Q. Were there times when things weren't going so well for you
18 that you needed someone to support you?

19 A. Yes.

20 Q. And how did he do that?

21 A. Well, you know, there's always the rematch in Ruzzle,
22 inviting me over just to hang out in his room to watch TV for a
23 bit. We didn't really have to talk about what was wrong; it
24 was just more of something to get my mind off of it.

25 Q. Did there come a time -- well, were you aware of a trip

1 that he took to New York City?

2 A. I am aware of a trip he did take.

3 Q. I'm sorry?

4 A. I am aware of a trip he did take.

5 Q. And I'm going to show you a photograph that's been
6 introduced into evidence as 1178 during the prior portion of
7 this trial. I'm sorry. I'm probably going to get a little
8 reflection here.

9 Well, it's a little grainy, but let's try to adjust that.
10 Can you see that on your screen?

11 A. Yes.

12 Q. And can you tell us who you recognize in that photograph?

13 A. I recognize three people from this photograph.

14 Q. Okay. Can you just put your finger on the screen for each
15 person? And it will make a mark so you can tell us who each
16 person is.

17 A. This is Aza, this is Dias, and this is Jahar.

18 Q. Do you remember seeing this picture closer in time to when
19 it was taken?

20 A. Yes.

21 Q. And do you know where it was taken?

22 A. Times Square.

23 Q. And did you hear about that trip at the time?

24 A. Yeah.

25 Q. Was there a time when you spent some time or got together

1 with Jahar and some others in Cambridge?

2 A. Yes.

3 Q. And when was that?

4 A. It was over spring break.

5 Q. And do you remember when spring break was? This would
6 have been 2013.

7 A. I remember it began March 16th.

8 Q. Of 2013?

9 A. Yes.

10 Q. And tell us, if you would, who you got together with
11 during that spring break in Cambridge.

12 A. I met up with Jahar, Dias, Aza and their two friends named
13 Adlet (ph).

14 Q. Wait. They had two friends who were both named Adlet?

15 A. Yes.

16 Q. Okay. And where did you go?

17 A. We went to go get something to eat first because the boys
18 were starving, so we did that. Then we ended up stopping by
19 the Charles River later on that night.

20 Q. Where along the Charles River?

21 A. Kind of -- it's by the Shell gas station. I can't really
22 remember exactly what the name of the street is.

23 Q. Is that near the BU bridge?

24 A. Yes, I think so.

25 Q. And what was your purpose in going to the river?

1 A. To set off some fireworks.

2 Q. Did you know that when you went there?

3 A. No.

4 Q. So what happened when you got there?

5 A. Well, I thought we were just stopping there to, like,
6 regroup, but we got out of the car, we were talking, and Jahar
7 went over to his car and he got a backpack and there were
8 fireworks inside.

9 Q. And what did he do with the fireworks?

10 A. He set one up and, I guess, ignited it, and it didn't
11 work.

12 Q. What about the second one?

13 A. The second one did work.

14 Q. And what was that like when the fireworks went off?

15 A. We were all, like, whooping and hollering, really happy.
16 Jahar was jumping through the fireworks itself.

17 Q. What do you mean "through the fireworks"?

18 A. The way the fireworks kind of was, it was like a giant
19 sparkler, so it's not like there was anything being like shot
20 up into the air; it was just like a bunch of sparks coming out
21 of it.

22 Q. And he was jumping in between the sparks or something?

23 A. No, he was jumping through them.

24 Q. Really?

25 A. Yeah.

1 Q. And what was your reaction to that?

2 A. I thought he was being really silly.

3 Q. Was that pretty typical for him?

4 A. Yeah.

5 Q. Do you remember when the last time you saw him or spoke to
6 him was?

7 A. I want to say that it was probably about two weeks before
8 Marathon Monday.

9 Q. And did you notice anything different about him?

10 MS. PELLEGRINI: Objection.

11 THE COURT: Overruled.

12 THE WITNESS: No, I didn't.

13 MS. CONRAD: I don't have any other questions.

14 MS. PELLEGRINI: Your Honor, I am going to have some
15 cross-examination. It won't end before, though, four o'clock.
16 I'd ask to start tomorrow morning.

17 THE COURT: How much afterwards?

18 MS. PELLEGRINI: Pardon, your Honor?

19 THE COURT: How much after, if we went a few minutes
20 over?

21 MS. PELLEGRINI: No, I think it will be a little
22 longer than that.

23 THE COURT: Okay. We'll take the break and resume in
24 the morning.

25 Jurors, remember my instructions. We'll see you

1 tomorrow and continue with the evidence.

2 THE CLERK: All rise for the Court and the jury. The
3 Court will be in recess.

4 (The Court and jury exit the courtroom and the
5 proceedings adjourned at 3:55 p.m.)

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C E R T I F I C A T E

We, Marcia G. Patrisso, RMR, CRR, and Cheryl Dahlstrom, Official Reporters of the United States District Court, do hereby certify that the foregoing transcript constitutes, to the best of our skill and ability, a true and accurate transcription of our stenotype notes taken in the matter of Criminal Action No. 13-10200-GAO, United States of America v. Dzhokhar A. Tsarnaev.

/s/ Marcia G. Patrisso
MARCIA G. PATRISSE, RMR, CRR
Official Court Reporter

/s/ Cheryl Dahlstrom
CHERYL DAHLSTROM, RMR, CRR
Official Reporter

Date: 4/29/15